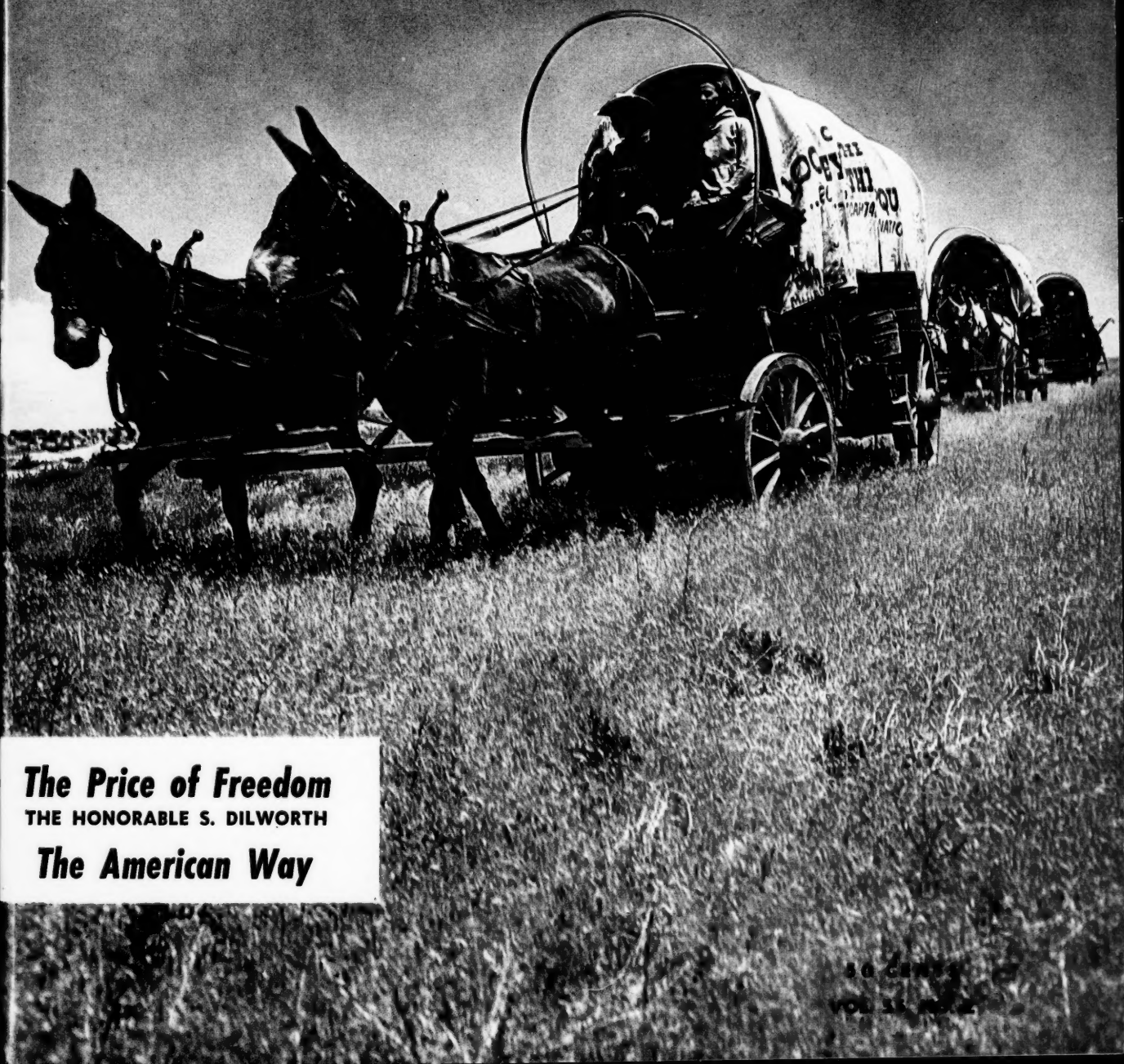


LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM

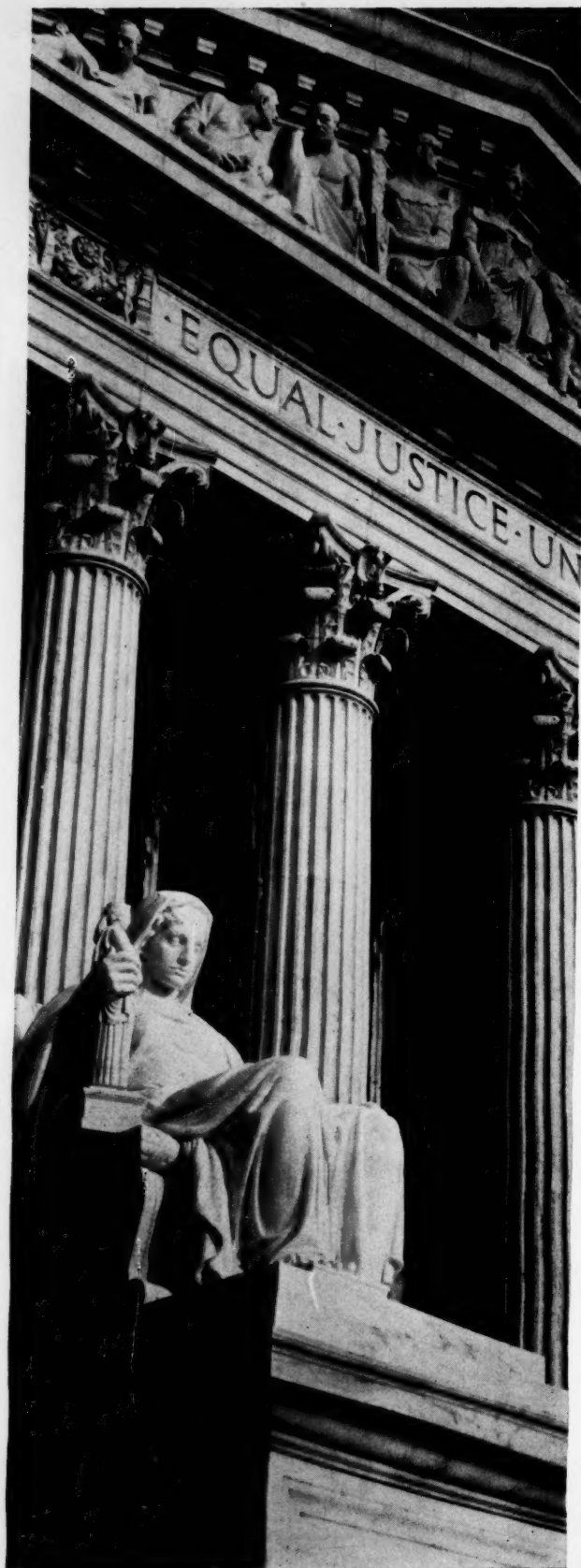


The Price of Freedom

THE HONORABLE S. DILWORTH

The American Way

30 CENTS
VOL. 11, NO. 2



Declaration of Principles

INTERNATIONAL RELIGIOUS LIBERTY ASSOCIATION

We believe in religious liberty, and hold that this God-given right is exercised at its best when there is separation between church and state.

We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights, and to rule in civil things; and that in this realm it is entitled to the respectful and willing obedience of all.

We believe in the individual's natural and inalienable right to freedom of conscience: to worship or not to worship; to profess, to practice, and to promulgate his religious beliefs, or to change them according to his conscience or opinions, holding that these are the essence of religious liberty; but that in the exercise of this right he should respect the equivalent right of others.

We believe that all legislation and other governmental acts which unite church and state are subversive of human rights, potentially persecuting in character, and opposed to the best interests of church and state; and therefore, that it is not within the province of human government to enact such legislation or perform such acts.

We believe it is our duty to use every lawful and honorable means to prevent the enactment of legislation which tends to unite church and state, and to oppose every movement toward such union, that all may enjoy the inestimable blessings of religious liberty.

We believe that these liberties are embraced in the golden rule, which teaches that a man should do to others as he would have others do to him.

INTERNATIONAL RELIGIOUS LIBERTY ASSOCIATION

6840 Eastern Avenue, Takoma Park
Washington 12, D.C.

50 CENTS
A COPY

LIBERTY

WASHINGTON
D. C.

A MAGAZINE OF RELIGIOUS FREEDOM

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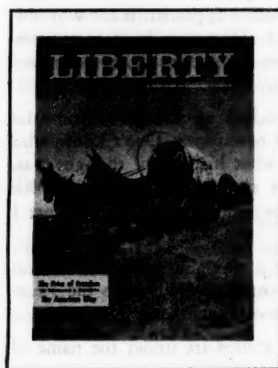
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OUR COVER PICTURE: Conestogas, prairie schooners, covered wagons, they were called—those strange land ships that rolled westward. But they were really harbingers—harbingers of a new era; and the men who rode them were pioneers, before whose feet lay a wilderness, behind whose footprints rose a nation. And though the Oregon centennial wagoners captured by the photographer made their trip westward a hundred years later, the wagons still lacked power steering and the mules, automatic transmissions. The dust was still choking and the mud miry. So here's to the pioneering spirit, in whatever era it lives. Here's to the sons of the pioneers!

LONGHURST STUDIO

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★ ★ ★

THE INTERNATIONAL RELIGIOUS LIBERTY ASSOCIATION, organized in 1888, is dedicated solely to the preservation of religious liberty, as indicated in the Declaration of Principles on the preceding page. The Association advocates no political or economic theories.

LETTERS

LABOR UNIONS AND SUNDAY LAWS

DEAR EDITOR:

Recently I was asked by the Arlington, Virginia, County Board to serve on a committee that was to give study to and bring in recommendations for or against a Sunday-closing ordinance for Arlington County.

This question had been prompted by local labor union leaders, who asked officers of the Council of Churches of Arlington to bring pressure upon county officials to enforce a Sunday-closing ordinance—closing such businesses as were not considered necessary for the health and welfare of the community.

In order to aid the churches of Arlington to make the public Sunday-conscious, the labor unions provided automobile bumper strips that read, "Stop, Don't Shop on Sunday," and gave them to the churches for distribution. Hundreds of cars carried this strip. (Later, it was quite interesting to observe the large number of cars with these strips parked in shopping areas that were open on Sunday.)

The use of labor union dues to encourage a religious holiday seems to me to be highly improper and a threat to traditional religious liberty.

Why doesn't LIBERTY magazine investigate the extent to which labor unions have interested themselves in the Sunday question and evaluate the possible results?—REV. W. T. S., Arlington, Virginia.

LIBERTY is watching developments and will report shortly.

NO MAGAZINE PERFECT

DEAR SIRs:

I have many times read your journal and found it of great interest. No magazine is perfect, however, and it does no discredit to it to have its readers point out errors, misunderstandings, et cetera, that have been discovered.

LIBERTY seems to have much interest in the situation in Spain and various Latin American countries as relates to the matter of religious freedom. It is your contention that religious freedom is being denied in these areas. Of course, no one can set up any definition of religious liberty acceptable to all.

However, it would seem that as long as the minority group, in this case the Protestants, are not discriminated against in a practical sense, as for example, occupations, it could be agreed that no real cause for concern exists. This is the case in Spain. The situation cannot be eased by pointing the finger of guilt, saying, "Look at Spain." It seems that your magazine is too quick to do this. Spain faces a problem. Primarily a Catholic country, it will naturally face tensions aroused by foreign missionaries who come to change the dominant religion of Spain. The Protestant missionaries are often tactless and help not their cause, but only hurt it.

What can be done? Time will ease the situation, and more tact is needed on the part of the newcomers.

Your journal does not report on the situation in Sweden. What is the situation regarding non-Lutherans (Catholics)?

Not too favorable, I assume.—D. B. D., Orange, California.

► In Spain, Protestants are forbidden to (1) identify their churches by any outward sign, (2) advertise their services either by press or radio, (3) circulate Bibles or portions of the Bible without Roman Catholic notes, (4) distribute tracts and other evangelical literature on the streets, (5) have private schools to educate their own children, (6) teach in public schools, (7) be officers in the armed forces, (8) operate their own hospitals, (9) establish old folks' or orphans' homes, (10) broadcast the gospel over Spanish radio stations, (11) rent public halls for "special gatherings," and (12) operate public evangelistic bookstores.

Among the major types of persecution there are six. These include: (1) closing churches, (2) refusing to grant permission for the civil marriage of Protestant young people who have been baptized in the Catholic Church in infancy, (3) restricting and confiscating Protestant literature, (4) causing hardships for the education of Protestants in Spain, (5) subjecting Protestant servicemen to disciplinary action for their faith, and (6) making it difficult for the burial of Protestants, especially in smaller cities and villages.

LIBERTY reported on Lutheran restrictions in Finland in the January-February issue. Sweden is scheduled soon.

OUT OF THE TRASH CAN

SIR:

More than one fortune has been made from retrieving things the other fellow casts off as worthless.

My custom is usually to glance into the wastebaskets in the lobby of the post office, and I have found some catalogs, types of literature, and illustrations. Quite often after running through the general layout it becomes apparent to me why the recipient threw the article away. However, it is sometimes caused by a false assumption as to the thesis, . . . or prejudice or opposition to the principles involved.

Such was my case when I picked up LIBERTY from the wastebasket, addressed to a local newspaper. Don't know who collected the mail that day, nor what his line of thought was, but I assumed it was classed as merely another ad lib. But with a bit more reading I discovered it to be exactly what I wanted.

Have been alert to and aware of the abuses of ecclesiastical despotism in the political and economic field, from the Pharisees on down through the stages of Judaism. . . .

And obviously some of these abuses are under the name of Jesus.

Was pleased with the position expressed by Governor Clyde of Utah. I agree with him on the Sunday-closing issue for canning, et cetera. Would remark that he should put forth a new law before the legislature:

"Resolved, That any cow in Utah found guilty of producing milk on Sunday, will (after all the lawyers have collected their FEE-dom) be immediately converted into hamburger, steaks, or hot dogs to be served to the Sunday bathers at the beaches. . . ."

Was also pleased with your statement of objective and purpose, that your association "advocates no political or economic theories."

Very good. You cannot be falsely labeled. However, your Declaration of Principles is a broad shield, banner, and armor for a big battlefield.

The U.S.—a Christian nation? is a large question. There are many things considered "Christian." Every human viewpoint or interpretation must be given due consideration. These are just a few of the reasons why my subscription is being sent today, Sunday. The bank check will be dated for Saturday because checks dated on Sunday are void and not negotiable (Governor Clyde please note).—O. C., Hillsboro, Ohio.

NO TAX EXEMPTIONS

GENTLEMEN:

I have not received LIBERTY for some time. Has my subscription run out? If so, will you kindly start it again right away by sending me the last issue. I am enclosing a check in amount \$2.00, and if that is not enough for a year's subscription, let me know. [See subscription rates, page 3.—ED.]

The religious issue as pertaining to public and private schools seems always with us. I am of the opinion that there should be no tax exemption on any property excepting that used entirely for public purposes, built and maintained at public expense. I think all churches should be taxed like any other property. That would settle the matter of exemptions of any kind. There is a lot of wealth tied up in church property. If they have gotten that far with these expensive buildings, they surely can and should pay a tax. That would stop this everlasting demand . . . for public money.—J. W. B., P.O. Box 346, Piru, California.

100 PER CENT FOR LIBERTY

GENTLEMEN:

You are doing a very important service in connection with the church and state problem. It is carrying a wonderful message to the people on religious freedom and the Bill of Rights. I am one hundred per cent for your LIBERTY magazine. If other Protestant publications would be equally truthful and plain on that subject, we'd soon have it licked.—DR. H. E. S., Camas, Washington.

STILL IN BUSINESS

DEAR FRIENDS:

Back in 1953 I was receiving LIBERTY and suddenly it was discontinued. I feel certain my subscription had not run out. I just thought you had "folded up." If you haven't [We haven't!] please put me back on your mailing list [You are.] and bill me for a year's subscription.—L. F., Princeton, W. Va.

THE OLD MAN'S CHRISTMAS

DEAR EDITOR:

Have taken the LIBERTY for more than twenty years. It is a fine magazine and should be in every lawmaker's and preacher's hand.

You will find the clipping entitled "The Old Man's Christmas" by Harriett P. Crank somewhat in error if my history hasn't failed me. How could Adams have spent eight Christmases as "son of the President of the United States" when his father, John Adams, only served a term (4 years)?—G. C., Coeur d'Alene, Idaho.

► Our copy editor can't answer that one either.

MARCH-APRIL

NEW SUBSCRIBER

DEAR SIR:

A few days ago I received a copy of the magazine LIBERTY, which I found very interesting since I am strongly in favor of the point of view expressed therein. . . . I would like to subscribe to this magazine and for that purpose enclose a remittance. . . .

I think you are to be congratulated on the quality and substance of the contents of this issue I have seen, Volume 54, No. 4.—P. E. S., Shaker Heights, Ohio.

SUPERIORITY COMPLEX

GENTLEMEN:

You are hereby instructed to delete my name from all of your records and cease forwarding any of your publications to me.

The reason for my request is that our city of Hollywood, Florida, has some other axis upon which to revolve than two Negroes in a "traditional American town meeting." Contrary to some general thinking and probably in violation of the United States Constitution, I have a superiority complex when it comes to a "duty to listen to the expressions" of colored people. Kindly adjust your records accordingly.—R. B. B., Hollywood, Florida.

SOMEWHAT SKEPTICAL

DEAR SIR:

In the last issue of LIBERTY (Fourth Quarter, 1959) there is an article by Clarence E. Duffy, Roman Catholic priest. I am sorry, but I am somewhat skeptical of the true intent of his article. . . .

I cannot imagine a priest of his position stating the official Catholic position as he does and then saying that Catholics should not support that position. Does he not risk the disfavor of his superiors?—L. A. D., Goldendale, Washington.

QUESTION THE REVEREND MR. DUFFY'S STATUS

DEAR MR. HEGSTAD:

In an article in your fourth quarter issue by the Reverend Clarence E. Duffy, I notice that he is listed as a Roman Catholic priest. I have checked the official *Catholic Directory*, which lists all priests in the United States, and I do not find his name there.

It is an unfortunate matter that his article highlights statements on church and state than can only be understood in the context of situations obtaining over one hundred years ago. He makes no reference to characteristic statements of Cardinal Gibbons, Archbishop McNicholas, and Cardinal Cushing, which are part and parcel of the outlook of the Catholic Church in this country. It is rather significant that nothing can be found from the time of Leo XIII on in papal pronouncements that even remotely echoes the misunderstood *Syllabus of Errors*.

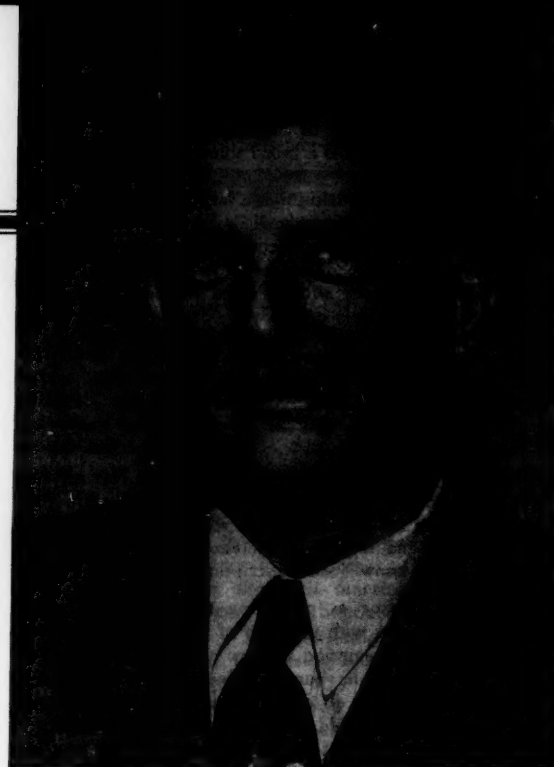
This type of article simply stirs up animosities and concerns itself with knocking down a straw man or beating a dead dog. . . .

Religious people, both Catholics and non-Catholics, have learned a great deal in the past one hundred years or so about the spirit and the psychological approach that promotes true liberty. . . .

That remark of Father Duffy's (page 17)—that "in this country the church, and particularly the Roman Catholic Church, through its hierarchy has 'played ball' too long with

Turn to page 9

The PRICE of



The Honorable Nelson S. Dilworth

Freedom

Excerpts From an Address by

THE HONORABLE NELSON S. DILWORTH
Senator From Riverside County, Senate of the State of California

"The thing to be afraid of today in America is that we do not give an effective testimony to our youth of the value of American institutions and what they cost in the history of our race."

AMERICAN FREEDOMS AND LIBERTIES are the product of the highest form of government ever achieved by mankind, but they require the highest type of citizens to make them work. . . .

To be a good American requires a love of truth and justice, a willingness to sacrifice personal advantage for honor. The only secret police we have are the voices

of conscience in the hearts of our loyal citizens who love our land and its institutions. . . .

Our Constitution guarantees no results. It is primarily a rules of the game, a means of fairly determining the will of the people. Our Constitution will not work itself. We can no more have liberty and peace without effort than we can have bread without toil and labor. Our Constitution is entirely in the language of oppor-

tunity, a chance for the ambitious to achieve for the people of America. . . .

Each new generation must be persuaded to keep America free, or America as we know it will perish. Armies and navies on the sea and in the air are powerless to preserve freedom if it is lost in the hearts at home.

Liberty is an achievement. It is not the natural state of man on this earth. It took long centuries of the continued sacrifice of blood and life by our bravest and best youth to establish the principles of human rights and freedom. But like a great and magnificent temple or capitol that has taken a score or more of years to build, freedom can be destroyed in a moment's explosion of popular upheaval led by crafty schemers in organized groups that seek dictatorial power in times of national confusion or weakness.

Liberty once lost can only be regained by sacrificial toil of rebuilding, brick by brick, and column by column. Both in statute and ordinance must it be rebuilt in the hearts of the people at a renewed cost of patriotic sacrifice.

It is not only by sudden political coups that our institutions may fall, but as with any great building, by lack of care of its structure and neglect of careful preservation of its foundations. If we fail to serve our political institutions faithfully and voluntarily in peace as in war, they will decay and fall.

We cannot win the new ideological war with the old weapons of rifle and cannon. This is the greatest scrap in history. Your place is in the line up on the field of battle. Each new generation must be taught the priceless value of freedom. Not all Americans agree with me on this, but at least they should get out of the wrong rooting section, and maybe root for the home team a little.

Military power alone is no longer able to preserve a nation and its institutions. There is a greater power in the world of men than blazing cannons, falling bombs, and roaring tanks. It is ideas. Ideas master populations; populations select and control national leaders. National leaders command armies and navies of the sea and in the air. Of what avail is storming a bloody battlefield if at home the cause of liberty is lost in the hearts of the people?

Liberty once lost is rarely regained. When the gates of Rome were opened and the invader came in, it was fifteen hundred years of oppression and exploitation, fifteen long centuries before a measure of freedom again came to the Italian people.

In the past 35 years a new type of total war has been loosed on the world, a propaganda of deceit. It attacks

From the official United States report on brainwashing of American POW's during the Korean conflict.

← "The causes of the war, United Nations' objectives and the need for American intervention were not clearly delineated in the public mind. This lack of understanding prevailed among citizens and American fighting men."



HARRIS & EWING

← "When plunged into a Communist indoctrination mill, the average American POW was under a serious handicap. Enemy police officers forced him to read Marxian literature. He was compelled to participate in debates. He had to tell what he knew about American politics and American history. And many times the Chinese or Korean instructors knew more about these subjects than he did. This brainstorming caught many American prisoners off guard. To most of them it came as a complete surprise and they were unprepared. Lectures—study groups—a blizzard of propaganda and hurricanes of violent oratory were all a part of the enemy technique."

EWING GALLOWAY



the America we love, the American institutions our forefathers died to build, at their basic foundation in the hearts of our people. . . .

This ideological war will not go on forever. There will come an hour of decision. One side or the other will win the victory. The minds of all mankind are the stakes at issue, freedom or world-wide slavery, physical and mental.

In the hands of the people is lodged the supreme power to preserve or to neglect. Along with the power also goes the work and worry of responsibility. This responsibility must be borne by human shoulders, cost what it may in sacrifice and effort. It has been well said that eternal vigilance is the price of liberty and it might have been added continual effort and service.

We must have citizens; we must have officials; we must have popular leaders willing to make the sacrifices of both time and ease, willing to give up their pleasures and comforts to continually defend our institutions and to aggressively champion in the market place of public opinion our American ideals.

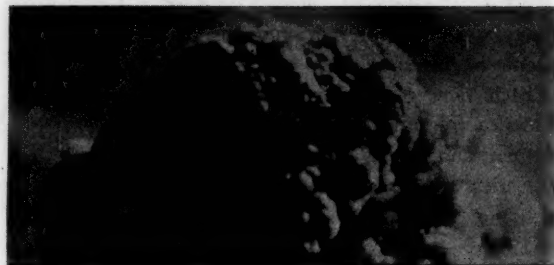
There must be a continuous process of public education by public leaders, unselfishly given, to persuade each new generation of citizens to keep America free, and strong.

Of course, if the time comes that American men will no longer willingly die to defend the Constitution, it will fall. It is equally true that if the time comes that American men and women will no longer give of their lives, their substance and their time to defend and serve the Constitution in peace, it will be ignored and overthrown.

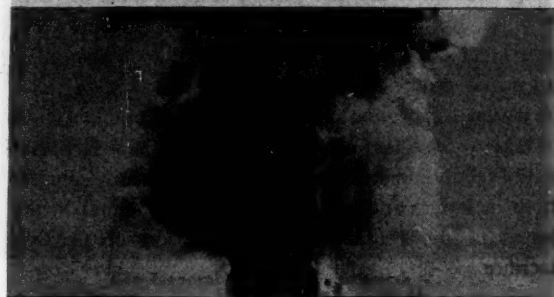
There must always be an adequate number of citizens willing to accept the obligations, the responsibilities and the hardships of public office to make our government work. These must be men and women above the base motives of the spoilsman, who cannot be intimidated by organized self-seekers nor corrupted by stealthy manipulators. . . .

I ask you seriously today where there is an adequate and forceful textbook to teach our youth the rights and privileges of American citizenship in comparison with the rights and privileges of citizenship under other forms of government? . . .

The thing to be afraid of today in America is that we do not give an effective testimony to our youth of the value of American institutions and what they cost in the history of our race.



← "It seemed that these POW's in question had lost their battle before they entered the service. Good citizens—loyal Americans—the responsibility for their building lies with the home, the school, the church, the community."



← "Ignorance lay behind much of the trouble. A great many servicemen were teen-agers. At home they had thought of politics as dry editorials or uninteresting speeches, dull as ditchwater. They were unprepared to give the commissars an argument."



U.S. ARMY SIGNAL CORPS

← "Active collaborators aside, there were other passive prisoners who 'went along.' They lacked sufficient patriotism because of their limited knowledge of American democracy."

"In battle and in captivity the fighting American is no better than his training and education."

← "Skill must be reinforced by will—by moral character and by basic beliefs instilled in home and classroom long before a lad enters the military service. Pride in a country and respect for its principles—a sense of honor—a sense of responsibility—such basics should be established long before 'basic training,' and further developed after he enters the armed forces."

Letters

From page 5

Caesar in many serious matters"—is a pretty bad accusation. No instances are brought forward to indicate in what way the Church is "playing ball" as alleged. He says that "Christ and His teachings have been overlooked or forgotten, especially in the matter of war and the waging of it." Actually Catholic theologians have been practically as one (and have been criticized for it by superpatriots) in condemning the atomic attack on Hiroshima. The *Osservatore Romano* just had something on this. . . .

In what way do "official spokesmen of the Roman Catholic Church try to restrict, and advocate restriction today of, the liberty given to each human being by his Creator to worship God, or refuse to do so, as he or she may choose"? All the official statements of the Catholic Church in Rome or America grant these liberties and agree with them. . . .

It is hard to see how a publication could so steadfastly publish articles that *never* present statements of responsible people in the Church that reflect a commendable concern for freedom of religion and a real appreciation of our American system. I frankly am convinced that LIBERTY knows of these statements but is not interested in printing them. That isn't fair. Can it even be defended as honest?—FATHER C. D. G., Seat Pleasant, Maryland.

► Reverend Duffy's article (LIBERTY, Fourth Quarter, 1959, "Let Freedom Ring") was an answer to Judge Anthony W. Daly, a Roman Catholic jurist who wrote on "A Roman Catholic Speaks on Separation of Church and State" in the second quarter of LIBERTY. Thus LIBERTY does publish statements of "responsible people in the church that reflect a commendable concern for freedom of religion and a real appreciation of our American system." As to Mr. Duffy's status, see page 28. As to your question, "In what way do 'official spokesmen of the Roman Catholic Church try to restrict, and advocate restriction today of the liberty given to each human being by his Creator to worship God, or refuse to do so, as he or she may choose'?" see "Focus on Freedom." As to the *Syllabus of Errors*,* has it ever been repudiated by the Roman Catholic Church? As to current Catholic spokesmen who more than remotely echo the *Syllabus of Errors*: Dr. Sebastian Smith, eminent Roman Catholic authority on canon law, states the claims of the Papacy over civil government in his three-volume work on ecclesiastical law (*Elements of Ecclesiastical Law*, Benziger Brothers, New York, Cincinnati). Drs. John A. Ryan and Francis Boland (*Catholic Principles in Politics*, Macmillan, 1940) reiterate these claims. Their work bears the imprimatur of Francis Cardinal Spellman and the *nihil obstat* of Dr. Arthur J. Scanlan, president of Catholic University of Washington, D.C. Turn to page 28

* The state should officially recognize the Catholic religion as the religion of the Commonwealth; accordingly it should invite the blessing and the ceremonial participation of the Church for important public functions, as the opening of legislative sessions, the erection of public buildings, and so forth, and delegate its officials to attend certain of the more important festival celebrations of the Church; it should recognize and sanction the laws of the Church; and it should protest the rights of the Church's members."—POPE LEO XIII in his encyclical letter "Immortale Dei." Passages that follow, if implemented, would deny rights and privileges of certain kinds to Protestants and other non-Catholic religions.

MARCH-APRIL

FOCUS ON FREEDOM

ITALY

"It is something of a shock to find a Catholic country where, at least in the places I have visited, observance of the Sabbath [Sunday] is taken so lightly. A few Sundays ago I spent the day in Naples. Stores, markets, even barbershops, were all open for business. Last Sunday I visited Capri, and it was the same story all over again. Our American Sunday closing laws, about which so much controversy has been engendered lately, would probably strike the Italians as intolerable."—John Cogley in the Catholic publication *Commonweal*, Oct. 2, 1959.

AMERICA

Ann Arbor, Michigan. Archbishop John F. Dearden of Detroit ordered Roman Catholic parishioners in Ann Arbor to boycott three chain grocery stores because they make a "business day out of Sunday." Priests in St. Thomas and St. Francis Roman Catholic churches told members not to patronize the grocery stores which remain open on Sunday.

St. Paul, Minnesota. Archbishop William A. Brady of St. Paul has suggested that new legislation might be needed to protect Minnesota's Sabbath—Sunday. He suggests that labor unions might sponsor a new law to protect workers by keeping "Sunday as a day of rest and prayer."

Seattle, Washington. Roman Catholic Archbishop Thomas A. Connolly urged his parishioners to "avoid" food markets, stores, and shops that operate on Sundays.

Boston, Massachusetts. Richard Cardinal Cushing, Archbishop of Boston, issued a strongly worded statement attacking a recent Federal Court decision in which Massachusetts laws regulating Sunday business were declared unconstitutional. Expressing "serious alarm about the attitude toward Sunday which is generally prevalent today," the prelate urged his parishioners to help restore Sunday to its "proper status" as a day of rest and prayer.

LIBERTY COMMENT:

What country is it that is described as the "land of the free"?



with...

"There Was Once
a

RELIGIOUS

WAR *in* UGANDA ..."



BILL CLENDANIEL

King George Rukidi III, pictured above, is the monarch of Toro, ruling over one of four tribes in Uganda, Britain's East African protectorate. Dressed like a British banker and looking every inch a king, he recently made his first visit to the United States. *Liberty* interviewed the king during his visit to the Review and Herald Publishing Association in Washington, D.C.

Q. King Rukidi, what is the purpose of your visit to the United States?

A. Since I first learned of the United States in school, I have wanted to witness it for myself. I am anxious to see Detroit because all my cars are American, and I want to see San Francisco, which I have heard is beautiful. I am not here to seek economic aid.

Q. Sir, where did you learn to speak English so well?

A. I was educated in the British schools in Uganda and then spent two years in London under private tutors.

Q. Would you tell us something about the tribe of Toro?

A. The tribe of Toro can trace its ancestry back thirty generations. There is a tradition that it originated in Egypt. The tribe of Toro is one of four main tribes of Uganda. Toro is the second largest, numbering half a million. Incidentally, though most of my people are quite tall [the king stands six feet three inches], I have in my kingdom a number of Pygmies, who live on the other side of the Mountains of the Moon. They stand only about three feet high.

Q. What is the main industry, or source of wealth, in your country?

A. Cotton, coffee, ground nuts, tea, salt, copper mines. There is also a large fishing industry carried on at Lake George, Lake Edward, and Lake Albert.

... King George Rukidi III

Q. How is your kingdom ruled?

A. As I said, we are part of the protectorate of Uganda. I am the hereditary and constitutional monarch of my tribe, and, of course, do not have to worry about election. As king, I have a council of chiefs [Rukerato] to assist me in government. Representatives from my kingdom sit on the Uganda Legislative Council. These representatives are elected by the people of my kingdom.

Q. What is the religious background of your people?

A. Today more than half of my people are either Christians or Mohammedans. Among the Christian bodies, Catholics are most numerous. Protestants rank second. I am a member of the Church of England. A considerable percentage of my people are still—as you would say—pagans, but paganism will vanish shortly. Soon all the people will be Christians, for most are being baptized. Missionaries have been working in my country since approximately 1900. I was asked by a newspaper reporter about two girls who were supposed to have been sacrificed in Uganda within the past five years. This was certainly not in the tribe of Toro, and to my knowledge did not occur.

Q. Has there ever been strife among the religions represented in Uganda?

A. Yes, but not in Toro. There was once a religious war in Uganda, which occurred when the Catholics and the Protestants were competing strongly for members. Everybody wanted more Christians on their side. The Moslems also played some part in this.

Q. What contribution have Christian missionaries made to your country?

A. Religion first, medicine second, education third. They have taught my people better living conditions.

Q. Is the school system in your area largely parochial?

A. Yes, it is sponsored by the churches. There are some government schools now, such as Makerere University College.

Q. Does the Government regulate parochial schools?

A. The Government does not regulate the schools unless the schools accept grants-in-aid; then, of course, it insists that they meet certain standards. ★★★

MARCH-APRIL



1885

Seventy-five years ago

FROM FORTITUDE, FRUITAGE.—Three young converts of the Nyanza Mission in Central Africa have suffered martyrdom. They were bound to a scaffolding under which a slow fire was made, and were slowly roasted to death. One of their tormentors was so impressed by their Christian fortitude that he has determined to become a Christian.

1910

Fifty years ago

POPE-KING? KING-POPE! P.S.—At his recent inauguration the new Lord Mayor of London, Sir John Bull, a Roman Catholic, was asked, "Will you promise on all occasions of ceremony that you will not put the Pope before the king?" He replied that he would not do so on ceremonial occasions, but anything private affected him alone.

1925

Thirty-five years ago

NATURAL BENT V. NATURAL DRIFT.—In explaining the plan of the Lord's Day Alliance to create a Cotton Mather Sunday in the District of Columbia by means of the Jones Bill, the general secretary graciously pointed out that there was no intention to compel a man or a woman to attend church. "If we take a man's motorcar, his golf sticks, his Sunday newspapers, his horses, his pleasure steamships, amusement houses and parks, and prohibit him from playing outdoor games, or witnessing field sports, he naturally will drift back to church," said the secretary. "Not unless you also remove human nature," observed the *Baltimore Sun*.

1940

Twenty years ago

CHARY OF QUERY.—The United States Census Bureau has rejected the request of certain religious groups that it query the American people as to their belief or disbelief in God. Citizens would also have been asked to state what faith they favor if not members of any church.

1950

Ten years ago

WITNESSES ESCORTED.—Two women members of the Jehovah's Witnesses were "escorted" out of Joliette, Quebec, Canada, by police after an angry crowd of 500 staged a demonstration outside their residence.

The SCOPES

"Defend Thy Holy Word against its enemies," a clergyman prayed to open events before the packed courtroom in Dayton, Tennessee. "The law knows no heresy, and is committed to the defense of no dogma, nor to the establishment of any sect," said the defense in filing a motion to quash the indictment.

GEORGE MCCREADY PRICE, Ph.D.

[George McCready Price has been described as a David with his stone and sling, and the allusion makes sense to the evolutionary geologists who have seen some of their pet theories laid in the dust by his well-polished missiles. Though now nearing ninety, Professor Price is still writing. He hopes to add to the twenty-one books he now has in print.—ED.]

I WAS IN ENGLAND when it happened. But I distinctly remember the tremendous interest shown by the newspapers in reporting day by day the details of what was said and what went on in the courtroom. It was said that more words were telegraphed across the Atlantic about this affair than about any other event that had ever taken place in America, including the assassination of a President. The same abnormal interest was shown by newspapers in Germany, France, and other European countries, in India, Japan, and elsewhere in the Far East.

But why this excitement about the trial of an unknown high school teacher in a small, obscure town in Tennessee?

As a loyal believer in the truthfulness of the Bible, with a life experience of almost ninety years, I like to interpret events in the light of their historic background and their following results. When considered in this way, the Scopes trial has an explanation.

I notice that during the preceding one or two centuries, once every new generation—or about every twenty or thirty years—there has occurred a sharply revived interest in the subject of Creation or in the relationship of the Creator to His created universe. And for a decade or more preceding 1925 much interest had been shown in the correct understanding of the sciences of geology and biology, those aspects of

science that are related to religion or which deal with the same problems as are discussed in the first three chapters of the Bible. A strong array of magazine articles and books had been published that seemed likely to give people the real truth about the rocks and the fossils, in harmony with the facts revealed in the first chapter of Genesis, and also in the sixth, seventh, and eighth chapters, dealing with the Deluge. In view of this, it certainly looks as if all the abnormal interest in the Scopes trial was an artificial excitement worked up by the spirit of evil to head off, or counteract, this increasing light of truth.

During several years preceding the trial William Jennings Bryan had been lecturing all over the United States, giving his Fundamentalist views regarding such subjects as organic evolution and the relationship between science and religion. He was born in 1860 and thus was beginning to be a comparatively old man. Three times he had been nominated for the office of President, without success; but he had held high political office and was a tremendous attraction as a public speaker. By a successful law practice as well as by his lectures, he had accumulated a very comfortable fortune. Hence, when he took up his campaign against the doctrines of evolution, he found an exciting response.

I first met Bryan after one of his lectures in Lodi, California. He had read one or two of my books dealing with evolution and seemed enthusiastic over the scientific support they gave him. As soon as the plans for the Scopes trial got under way, he wrote me, begging me to join him. As the months passed in the preparation for the trial, he had time to renew this invitation several times. But I had been called to England in 1924 and could not leave my duties there. Besides, all the chief participants in the trial, both for the prosecution and the defense, had to pay their own travel-

S TRIAL - 1925

Condensed from *These Times*



Clarence Darrow (left) and William Jennings Bryan, protagonists at Dayton, Tennessee.

ing expenses and serve without remuneration. And I did not have the fat bank account this required.

Bryan himself was a curious combination of intelligence and ignorance, just the sort of person to look perfectly ridiculous when attempting to handle the scientific problems of evolution. He had had a good classical education before his law course. This, with his many years of experience as lawyer, editor, and public official, had made him a master in every trick and art of public speaking. But he knew nothing about the science of geology; and what is more, he did not want to know. He had a profound contempt for all such pseudo knowledge, as he regarded it.

His lectures against evolution were more like Sunday morning sermons than scientific discussions. The profundity and cogency of his scientific arguments can be

judged by one example that he frequently used. He would ask why a red cow can give white milk and yellow butter by feeding on green grass. And the resulting applause was, as might be expected, enough to bring down the house.

With such a background, he and the many trained scientists who assembled at Dayton, Tennessee, in the summer of 1925 to defend the teaching of evolution were living in two distinct intellectual worlds. And it became very easy for a clever infidel like lawyer Clarence Darrow to hold Bryan up before the newspaper readers on all continents as an ignorant bigot, one opposed to modern education and intellectual progress. And since Bryan claimed to represent the Bible and its teachings about the origin of the world, the cause of Bible Christianity could also be made to look

ridiculous and contribute to the hilarity of uncounted millions. For under such circumstances a poor defense of religion is worse than no defense.

So much for the background. We are now ready to look at the trial itself.

John Thomas Scopes was a twenty-four-year-old science teacher in the small town of Dayton. The textbook he used plainly taught the theory of man's origin from the lower animals; but it was the official State textbook, and the copies were furnished by the State. So Scopes supposed he was doing the right thing in using it. However, a law had recently been passed by the Tennessee legislature forbidding the teaching of this theory, on the ground that such a theory is contrary to the teachings of the Bible. So what was to be done?

Some friends of Scopes said that the law ought to be tested. So it was arranged that he should be arrested for violating this law, to test its constitutionality. Scopes's friends felt that such a law would make the state the arbiter of heresy in a religious question, which is completely outside its legitimate function. Conceivably, they believed, a law might be passed to forbid any scientific theory if it could be shown to be contrary to the best interests of the public, or on the ground that it would produce widespread dissension and unrest, but not on the ground that it is contrary to the Bible. For the U.S. Constitution forbids the Government to take any part in religious questions.

But great oaks from little acorns grow. Neither the prosecution nor the defense realized what a furor they were starting. And probably one side was about as surprised as the other at the outcome.

The prosecution, which started in this friendly way, almost as a joke, soon got out of hand and began to develop into deadly earnest as a religious crusade by Fundamentalists against what they regarded as atheistic science. Hence it was natural for them to choose as their leader William Jennings Bryan, who had already organized antievolution forces in twenty States, with antievolution laws enacted in nearly half as many. Soon after taking charge of the side prosecuting Scopes, Bryan declared that this trial would bring the forces of religion and evolution into a duel to the death.

Aroused by such a challenge, the defense enlisted Clarence Darrow, who had a national reputation for defending unpopular people and causes. Soon he rallied to his side Bainbridge Colby, a former Secretary of State, and Dudley Field Malone, a fashionable Catholic barrister with strong liberal tendencies. The American Civil Liberties Union, an organization noted for its liberal leanings, soon joined up. With such leadership it was easy to enlist a galaxy of prominent scientists from the University of Chicago, Johns Hopkins, Harvard, and elsewhere, to act as witnesses in defense of the evolution theory, and a prominent Jewish rabbi and other liberal theologians to testify that there is no inherent antagonism between evolution and true religion.

With such an array of heavyweights on hand, the new agencies were all attention. Even before Friday, July 10, the date for the opening of the trial, swarms of newspapermen had crowded into Dayton. Local excitement grew in intensity by the hour, with sentiment almost uniformly on the side of Bryan and the prosecution.

Before the weekend a jury was selected, and when on Monday court opened again, it was with a prayer by a local clergyman that God would defend His Holy Word against its enemies. Promptly the defense filed a motion to quash the indictment on the ground that the act was unconstitutional, quoting among other statements a decision of the U.S. Supreme Court that said, "The law knows no heresy, and is committed to the defense of no dogma, nor to the establishment of any sect."

The defense also gave notice that it wished to call scientists and Biblical scholars to testify that there is no necessary conflict between evolution and Christianity. The prosecution then asked the judge to dismiss the jury from the courtroom while the subject of whether these expert witnesses were to be permitted to testify was being argued.

With the jury absent, but not the newsmen or photographers, Darrow made a plea for the state not to interfere in any religious controversy. The judge adjourned court until Wednesday to consider the motion to dismiss the case. On Wednesday the court ruled against the motion to dismiss, declaring that the law has a right to say what subjects are to be taught in tax-supported schools—for instance, whether Latin, or astronomy, or chemistry shall be taught. The prosecution then called witnesses to testify what Scopes had taught. It offered a copy of the King James Version of the Bible as an exhibit and rested its case.

Darrow next presented Maynard Metcalf, an eminent zoologist of Johns Hopkins, a teacher of a large Bible class, and asked him a question concerning the evolution theory. Bryan's side immediately challenged this testimony as irrelevant, contending that the only question before the court was whether Scopes had violated the law. Again the jury was dismissed, and the court agreed to hear arguments on this point the next day. The twelve jurymen were almost on the point of mutiny because they were forbidden to be within reach by either eye or ear of the verbal pyrotechnics sure to take place in their absence.

Thursday was a day of impassioned oratory on both sides. Bryan argued that expert witnesses were not necessary to reveal what the Bible says. Malone declared that an attempt was being made to stop the progress of scientific study. He was determined to make it plain that he and his Roman Catholic Church were on the side of science and progress. His speech made a strong impression on the crowd, and its report in the news-

Turn to page 27

State Sunday Laws Violate the *FIRST AMENDMENT*

DR. LEO PFEFFER

- ★ What reason can lie behind a law that permits the sale of tobacco on Sunday but prohibits the sale of foods?
- ★ Why should it be permissible to sell confectionery on the Lord's day, but not meat?
- ★ Is it less tiring to sell gasoline and oil than it is to sell lamb chops, that the former should be allowed and the latter forbidden?
- ★ Why should the wholesale disposition of fish be lawful and the retail disposition of the same fish be unlawful?
- ★ Why should a bootblack be permitted to ply his trade on Sunday before 11:00 A.M., but a barber not at all?

Second in a series of three articles

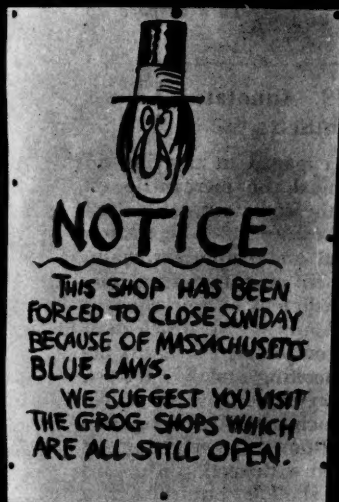
THE PROHIBITION against laws prohibiting the free exercise of religion in the First Amendment to the United States Federal Constitution, like the ban on laws respecting an establishment of religion, is made applicable to the States by the Fourteenth Amendment.¹

Sunday laws are laws respecting an establishment of religion. They are also laws prohibiting the free exercise thereof. Any law that forces or influences "a person to go to or remain away from church" or punishes him "for entertaining or professing religious beliefs or disbeliefs" (Everson case, supra; McCollum case, supra) is obviously a law prohibiting the free exercise of religion as much as it is a law respecting an establishment of religion.

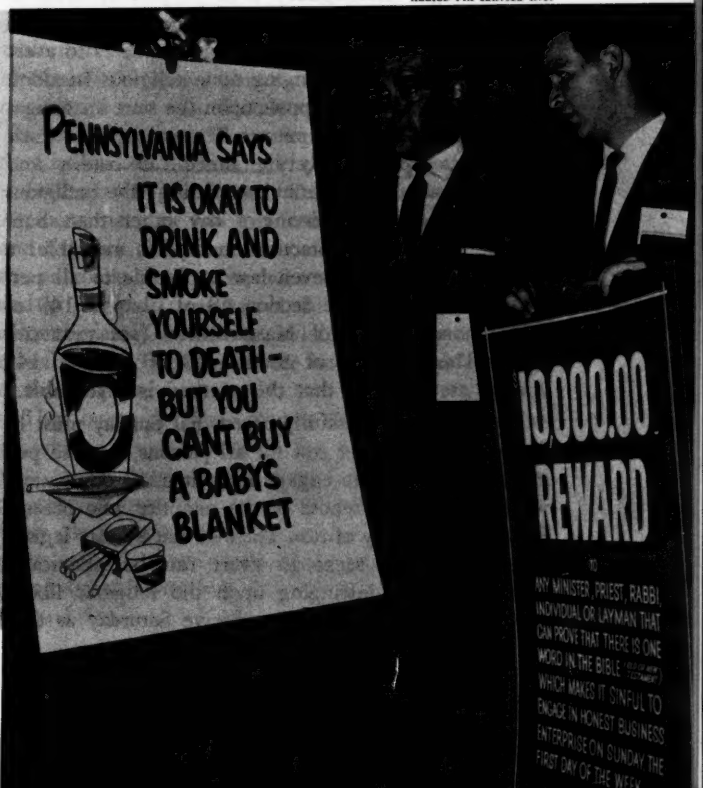
We contend, however, that even if the enactment of Sunday statutes is motivated purely by health considerations and, notwithstanding their religious origin, they are deemed to be an exercise of the state's police power to protect the welfare, they are nevertheless an unconstitutional infringement upon the religious liberty of

LOU LA PRADE

ALLIED PIX SERVICE INC.



◀ In West Barnstable Bruce Adams, forced to close his gift shop by State blue laws, put up this sign. At a public hearing in Harrisburg visual aids were used to get the citizens' views before the State legislators. ▶



MARCH-APRIL

all who observe a day other than Sunday as their religiously required day of rest.

We do not consider either realistic or valid the almost cavalier statement in *Com. v. Has, supra*, that "any one who deems another day more suitable for rest or worship may devote that day to the religious observance which he deems appropriate." Requiring such a person to abstain from engaging in his trade or business two days each week—whereas his Sunday-observing competitor is required to abstain only one day a week—obviously imposes upon the former a competitive disadvantage and thus penalizes him for adhering to his religious beliefs.

The fact that an economically costly alternative is present does not remove the compulsion. Many small Sabbatarian merchants simply cannot continue in business under so severe a competitive disadvantage, and have no choice but to yield their means of livelihood or compromise their religious convictions. Even those who can manage to survive suffer substantial economic loss. The First Amendment's ban on laws which would prohibit the free exercise of religion is to be construed broadly to include laws which would permit the exercise of religion but at a financial loss. It is the free, not the purchased, exercise of religion that is protected by the Amendment. The financial sanction imposed by Sunday laws for observing a day other than Sunday as holy time is certainly more serious economically than the imposition of a license tax for preaching, which the Supreme Court has twice held to be an unconstitutional restriction on religious liberty.²

Averting the Health Hazard

The danger that Sunday laws supposedly seek to avert is the hazard to health resulting from uninterrupted labor. But if a practicable means exists to avert that danger without infringing upon religious freedom, the First Amendment imposes upon the state an obligation to avail itself of that means. The evil against which such statutes purportedly are aimed can readily and easily be averted without restricting the religious liberty of persons observing a day other than Sunday as holy time. A practical method is available: a simple one-day-rest-in-seven law applicable to all persons. (As for example Section 48 of Chapter 149 of the Annotated Laws of Massachusetts [see next column]* The existence of Section 48 of Chapter 149 is adequate evidence that this method is practicable.)

It cannot be successfully urged that Sunday must be designated the day of rest for all persons, because permitting a minority to engage in their usual occupations would disturb the repose of the majority who observe Sunday as their day of rest. The evil that Sunday legislation purportedly seeks to avert can be practicably avoided without infringing upon the religious liberty of Christians and Jews who observe Saturday as their

holy day of rest, or of those who worship on a day other than Saturday or Sunday.

Further, because of the complete irrationality of their inclusions and exclusions, Sunday laws constitute a deprivation of liberty and property without due process of law and a denial of the equal protection of the laws, in violation of the Fourteenth Amendment.

The Requirement of Equality

Even if Sunday laws are deemed an exercise of the state's police power for the protection of the citizens' health, they are nevertheless unconstitutional if, without justification, they operate unequally or discriminatively. The inhibition of the Fourteenth Amendment that no State shall deprive any person within its jurisdiction of the equal protection of the laws was designed to prevent any person or class of persons from being singled out as a special subject for discriminatory and hostile legislation.³ The state's police power must be exercised consistently with the "equal protection" clause.⁴ Legislative inclusion and exclusion that rests exclusively upon caprice does not satisfy the constitutional requirement of equality.⁵

Capricious classifications affecting the livelihood of citizens constitute not only a denial of the equal protection of the laws but likewise a deprivation of liberty and property without due process of law.⁶ The due process clause precludes arbitrariness by government.

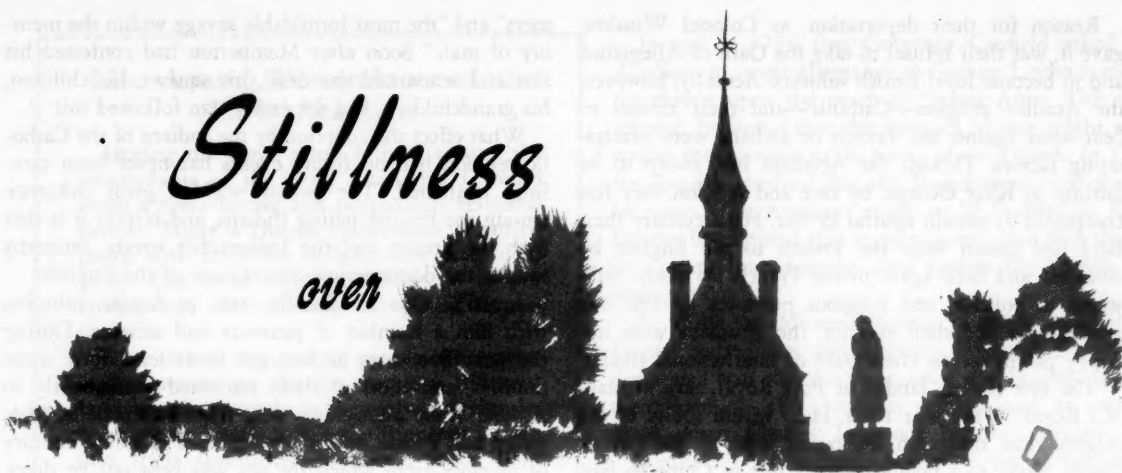
No matter how generous the courts may be in respecting legislative classifications, some semblance of rationality must be present in the statutory scheme to sustain the law, else the courts abandon the responsibility imposed upon them by the Fourteenth Amendment. Sunday laws are notoriously void of any such semblance of rationality. As far as we can see, nothing but caprice can adequately explain the inclusion and exclusion of such laws as the Massachusetts Sunday law.

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Section 48, Chapter 149, Annotated Laws of Massachusetts

*Every employer of labor engaged in carrying on any manufacturing, mechanical, or mercantile establishment or workshop in the commonwealth shall allow every person, except those specified in section fifty, but including watchmen and employees maintaining fires, employed in such manufacturing, mechanical or mercantile establishment or workshop at least twenty-four consecutive hours of rest, which shall include an unbroken period comprising the hours between eight o'clock in the morning and five o'clock in the evening, in every seven consecutive days. No employer shall operate any such manufacturing, mechanical, or mercantile establishment or workshop on Sunday unless he has complied with section fifty-one. Whoever violates this section shall be punished by a fine of fifty dollars.

Stillness over GRAND PRÉ



"Exile without end, and without example in history," wrote Longfellow of the expulsion of more than 6,000 Acadians from their beloved land.

FLETCHER THOMAS BECK

Modern-day Acadian youth at the annual Blessing of the Fleet, which takes place on the French shore of Nova Scotia.

NOVA SCOTIA FILM BUREAU



UNEASILY THE 418 men and boys walked into the church and took their seats. As the last of the French Acadians entered, an officer snapped a command; armed guards sprang to the doors. Colonel John Winslow of the First Battalion walked slowly to a table in the center of the church, around which several of his officers were gathered. In his hand he held the commission of His Excellency, Governor Lawrence. Time: three o'clock. Date: September 5, 1755. Place: St. Charles church, Grand Pré, Nova Scotia.

In carefully chosen words Colonel Winslow told the Acadians that they had forfeited their lands, tenements, and livestock. They were to be removed by ship from the province, being permitted to take only their money and as much of their household goods as space could accommodate. Until the ships left, they were to be detained in the church under the inspection and direction of the troops he commanded.

Thus began the final chapter of one of the saddest episodes in English history. For within four months these noble Acadians and some 6,000 more were to be expelled from the land of Evangeline and scattered along the coasts of the American colonies. Several ports would refuse to let them land. Detained in crowded and unsanitary vessels, many would become sick and die.

Reason for their deportation, as Colonel Winslow gave it, was their refusal to take the Oath of Allegiance and to become loyal British subjects. Actually, however, the Acadian religion—Catholic—and their refusal to bear arms against the French or Indians were precipitating factors. Though the Acadians had sworn to be faithful to King George, by race and religion they felt compelled to remain neutral in war. For a century their land had passed from the French to the English by conquest and back again to the French by treaty. Subjected to political and religious pressures by first one government and then another, the Acadians were unhappy pawns on the chessboard of international rivalry.

The first settlers landed at Port Royal, now Annapolis Royal, in the year 1604. Here within sound of the mighty tides that rush the broad inlet of the Bay of Fundy, rising to a height of forty feet in Chinecto Bay, Pierre du Gast Des Monts established a colony. Accompanying him were Champlain, Poutrincourt, Les-carbot, and 150 "convicts, laborers, some Huguenot ministers and Catholic priests."

It was here also that the first conquest by Christianity was made—the conversion of the old Indian, Membertou, a Sagamore of the Micmacs, "a man of a hundred sum-

mers" and "the most formidable savage within the memory of man." Soon after Membertou had confessed his sins and renounced the devil, his squaws, his children, his grandchildren, and the entire clan followed suit.

What effect the adoption by the Indians of the Catholic religion had on future events has never been carefully evaluated. The priests wielded great influence among the English-hating Indians, and certain it is that both the French and the Indians felt strong antipathy toward the domineering government of the English.

In 1632, Isaac de Razilly came to Acadia, bringing with him a number of peasants and artisans. During the next five years he brought in at least forty more families, and most of them remained permanently in Acadia. These immigrants were from La Rochelle, Saintonge, and Poitou, on the west coast of France, a country of marshes from which the sea was kept out by dikes.

Skilled in battling the sea, these immigrants reclaimed thousands of acres of rich land from Minas Basin and its tidal rivers. On these acres their livestock thrived and their crops prospered until they were raising more food-stuffs than the whole Province could consume. The dikes are still there, even apple trees and willows that they planted.

NOVA SCOTIA FILM BUREAU

Evangeline Memorial Park with Blomidon in the distance, across the "Grand Prairie."

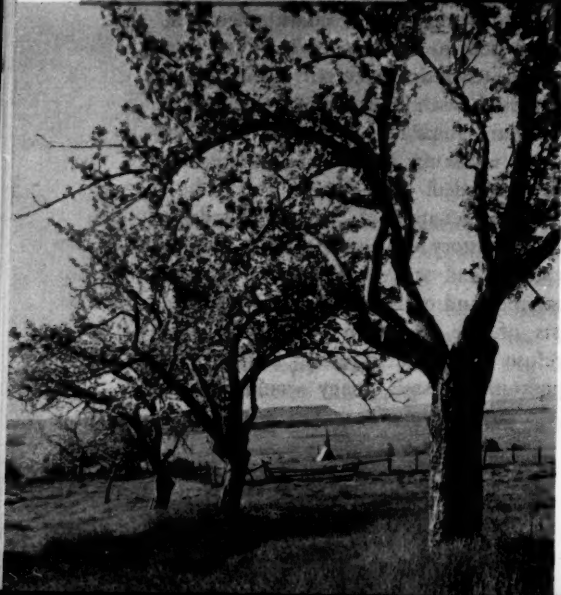
Apple trees planted by early settlers still lend fragrance to the romantic Acadian country.



A Tale of Acadie

Henry Wadsworth Longfellow

In the Acadian land, on the shores of the Basin of Minas,
Distant, secluded, still, the little village of Grand Pré
Lay in the fruitful valley. Vast meadows stretched to the eastward,
Giving the village its name, and pasture to flocks without number.
Dikes, that the hands of the farmers had raised with labor incessant,
Shut out the turbulent tides; but at stated seasons the flood-gates
Opened, and welcomed the sea to wander at will o'er the meadows.
West and south there were fields of flax, and orchards and cornfields
Spreading afar and unfenced o'er the plain; and away to the northward
Blomidon rose, and the forests old, and aloft on the mountains
Sea-fogs pitched their tents, and mists from the mighty Atlantic
Looked on the happy valley, but ne'er from their station descended.
There, in the midst of its farms, reposed the Acadian village.



Life Among Descendants of the Early Acadians

During the three years I lived among the descendants of the early Acadians, I found them a home-loving and profoundly religious people. Many a church celebration is anticipated with childlike delight, and feast days of St. Ann or of the Virgin Mary or of her Divine Son are occasions of special importance.

Here indeed is a unique people, who seemingly immune to change, speak a different language, live largely to themselves. A simple, industrious, kindly folk—qualities that we are told their forefathers possessed—they hold spiritual and political liberties to be of greater value than temporal and physical benefits.

In sickness or at childbirth, neighboring women cheerfully volunteer their services. If a farmer or widow needs help, they organize a "party" and harvest the crops or cut the firewood or cultivate the fields. Orphans are taken into their homes and treated as members of the family. The aged are cared for as a matter of course.

During long winter evenings the Acadians still gather around the hearth, as their forefathers did, and drink cider or maple syrup, sing folk songs, dance, and relate nostalgic tales of the past.

"But their dwellings were open as day and the hearts of the owners;
There the richest was poor, and the poorest lived in abundance."

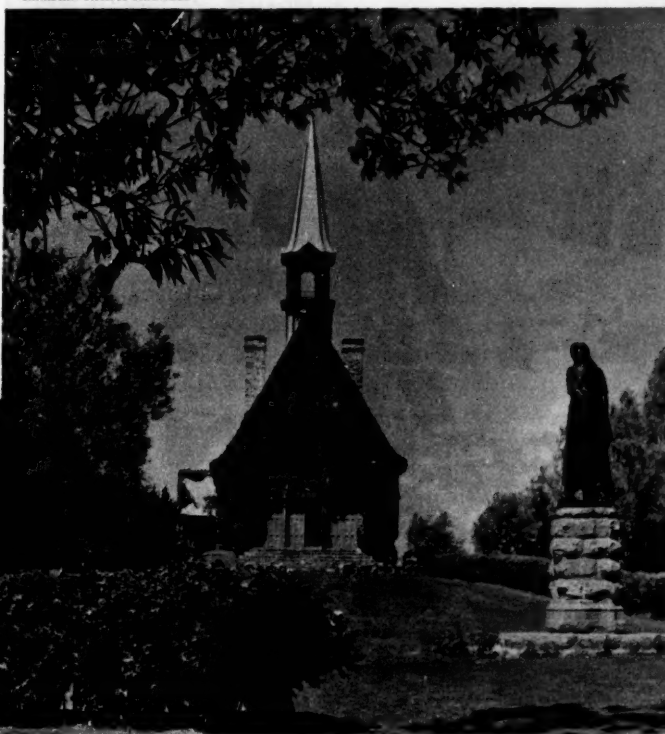
—Fletcher Thomas Beck

It was in 1714 that Governor Canfield asked the Acadians to swear allegiance to George I, who came to the throne upon the death of Queen Anne. This they refused, believing that the fortunes of war might soon restore the province to the hands of the French. In 1725 the English resolved that the long-delayed oath should be taken. The Acadians swore to be faithful to King George but insisted that in subsequent wars they should be exempt from bearing arms against the French, Indians, or English.

In 1749 the Micmac Indians raided a number of English settlements, and an angry Governor Cornwallis demanded that the Acadians assist the English against their enemies. The Acadians refused, and so matters stood when Charles Lawrence became governor.

Unlike his predecessors, Lawrence was as suspicious as he was treacherous and ambitious. He resolved to compel the Acadians to take the oath of allegiance. Refusal, he decided, would necessitate their expulsion to lands where they would no longer be a menace to English rule.

CANADIAN PACIFIC RAILWAYS



The chapel at Grand Pré with the statue of Evangeline, whose fame was memorialized by Longfellow's poem.

So passed the morning away. And lo! with a summons sonorous
Sounded the bell from its tower, and over the meadows a drum beat.
Thronged erelong was the church with men. Without, in the churchyard,
Waited the women. They stood by the graves, and hung on the headstones
Garlands of autumn-leaves and evergreens fresh from the forest.
Then came the guard from the ships, and marching proudly among them
Entered the sacred portal.

The Acadians, who had been granted the right "to enjoy the free exercise of their religion" by the Treaty of Utrecht if they would be subject to the government of Great Britain, refused on religious grounds, declaring also that such an oath would be a betrayal of the free exercise of their just rights. Lawrence made it clear that if they refused to take the oath they would relinquish their religious and political freedom and be subject to exile. The Acadians again stood firm and the events of their expulsion followed in quick succession.

Colonel Winslow arrived at Grand Pré on August 19, and set up headquarters in St. Charles church. The

Acadia celebrated its bicentenary on August 15, 1955. Thousands heard a stirring sermon delivered by Cardinal Léger of Montreal.



NOVA SCOTIA FILM BUREAU

Acadians were notified that they would be required to furnish provisions for his troops during their stay and see that the rest of the harvest was garnered and carefully stored. Having set up camp for the soldiers and surrounded it with a high picket fence, he issued a proclamation that "both old men and young men as well as all lads of ten years of age" were to appear at St. Charles church at three o'clock. Thus came September 5, 1755, and, for the Acadians, the hour of no return.

St. Charles church was a familiar place to the 418 men and boys who gathered there. Here it was that they had been baptized and many of the men married. Here in the little churchyard their loved ones were buried. Here, too, they had gathered for worship and for social events. Now they were detained here, with no means of communicating with their families.

In the evening lowing herds came back from the "broad meadows" to unattended barns. Worried wives and mothers clustered in little groups and walked hesitantly toward the church. And there, when they learned what had happened, they watered the churchyard with bitter tears.

As Colonel Winslow captured more men, his position grew less and less secure. Fifty of the younger men were transferred to each of the five transports now at anchor in the Basin. Finally, on October 29, 1755, the inhabitants of Grand Pré were informed that one hour would be given them to prepare for going on board. Winslow then brought up all his troops, and stationed them between the door of the church and the gate.

The road from the church to the ship, nearly a mile and a half in length, was lined by hundreds of women and children. As the men passed, they fell to their knees weeping and praying. Though an honest attempt was made to keep families together on the same vessel, historians agree that there were many cases of separation.

More transports arrived, and the embarkation of the remaining families was begun. Again the sad procession. Again weeping. But now no one was left to line the route as the last of the Acadians, many carrying bundles of personal effects, others supporting the infirm or sick, walked with dragging feet to the water's edge.

The last transport pulled anchor on December 20. St. Charles church stood as silent as the gravestones beside it. Women and children, possessed by a sadness that tears could not assuage, crowded the rail to give their beloved Acadie one last look. As they drifted with the falling tide, the sun went down over Grand Pré behind a cloud of smoke rising from their burning homes.

★★★

Waste are those pleasant farms, and the farmers forever departed!
Scattered like dust and leaves, when the mighty blasts of October
Seize them, and whirl them aloft, and sprinkle them far o'er the ocean.
Naught but tradition remains of the beautiful village of Grand Pré.

New Jersey- a **HOUSE DIVIDED**

**In twelve of New Jersey's twenty-one counties
citizens are now hedged in by Sunday-law fences.**

W. MELVIN ADAMS

THE STATE OF NEW JERSEY is divided. Not by mountains or rivers, which can be crossed, but by Sunday laws, which can't. Twelve counties have erected Sunday-law fences and have condoned State interference in matters of religion. Nine counties are adhering to the original law of New Jersey, which provides that a person shall "at all times, freely and fully have and enjoy his and their judgments and consciences in matters of religion."

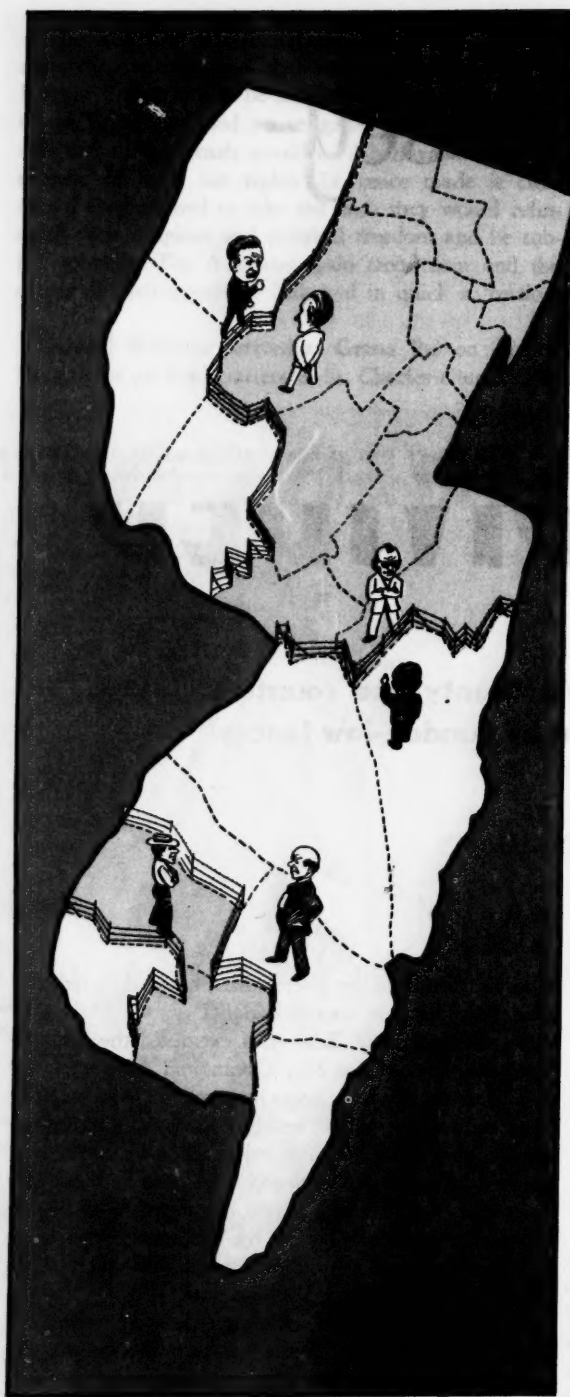
In the year preceding the November 3 referendums that produced this "house divided," State citizens enjoyed both the bitter and the sweet of the Sunday-closing issue. On August 4, 1958, Gov. Robert B. Meyner signed a new Sunday-closing law. A few days later Superior Court Judge Joseph L. Smith, acting on the application of seven plaintiff merchants, issued an injunction forbidding the State to enforce the law until its constitutionality had been tested. On May 8, 1959,

Superior Court Judge Everet M. Sherer declared the Sunday-closing law unconstitutional on the basis that it was discriminatory. Reason: it exempted the summer resort counties of Cape May, Ocean, and Atlantic.

Within twenty-four hours sponsors of the original bill set to work to submit another Sunday-closing bill to the assembly. This was rushed through as an emergency measure without public hearing. By a minimum majority vote the assembly passed the measure on to the senate. The night of May 25, the senate, after extensive revisions, approved the bill, and twenty-three days later Governor Meyner signed it into law.

Encouraged by the almost unprecedented speed of the legislature, supporters of the measure tackled the job of gathering the 2,500 signatures necessary in each county to place the issue on the November 3 ballot. They were successful in fifteen of the twenty-one counties.





HARRY BAERØ, ARTIST

SUNDAY LAW REFERENDUM

Sunday law referendums have created a "house divided" in New Jersey. Twelve counties have condoned State interference with religion; nine permit citizens—in harmony with New Jersey's original law—to "at all times freely and fully have and enjoy their judgments and consciences in matters of religion."

Backers of the measure denied that the Sunday-closing law was religious. "Absolutely not," said the Sunday-Closing League, "though it is strongly endorsed by spokesmen of three major faiths, . . . it is simply and purely a law designed to extend to retail workers the right and privilege of a uniform day off for rest, relaxation, recreation, and other meaningful Sunday activities. If it must be categorized, it should be called a 'social welfare' law."

It quickly became evident that the "other meaningful activities" mentioned by the league went far beyond social boundaries. In an advertisement appearing in the New Providence papers, the official board of the New Providence Methodist church presented this reason for voting Yes on Sunday closing: "The moral law of God is that one day of the week should be set aside for rest and worship. God has never repealed this command." [Indeed He hasn't; but it still reads, "The *seventh day* is the sabbath of the Lord thy God," just as when He gave it.—ED.] Other church groups and ministerial associations made it plain that "other meaningful activities" included "divine worship on Sunday."

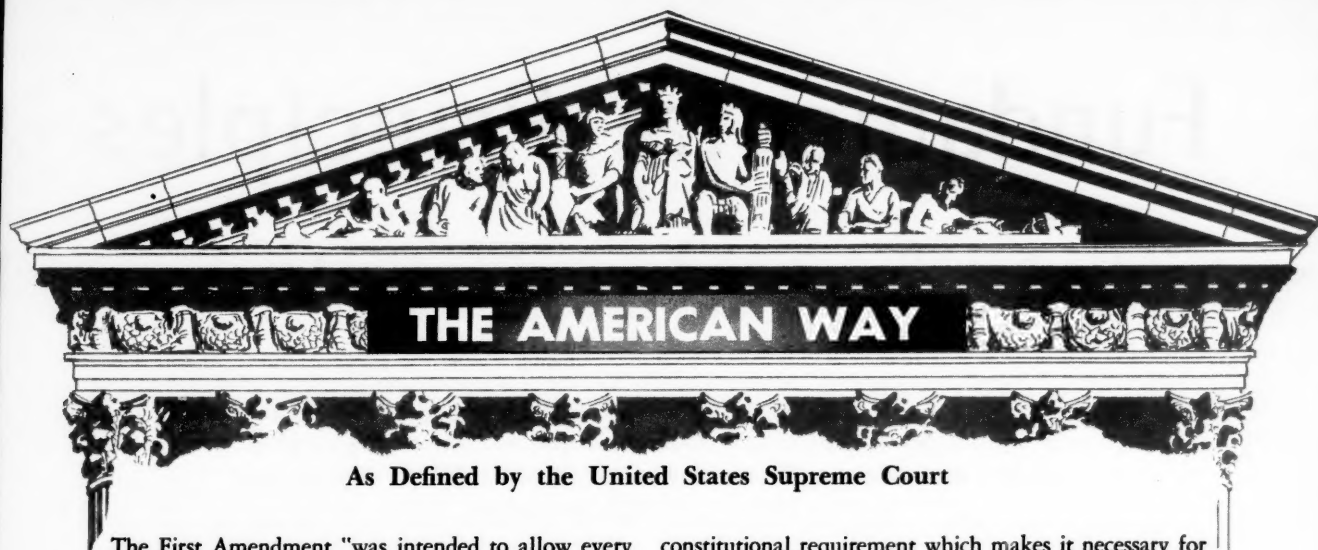
The Burlington, New Jersey, church groups sponsored an advertisement that said, "Sunday observance in America is America's bulwark against Communism—don't let anyone take that away." But in reality, enforced observance of a religious day is a step away from liberty; a long stride toward the thought control of the communist state, toward its totalitarianism and its intolerance.

Let it ever be remembered that strong, vital religion cannot be legislated. It can flourish only when freedom of choice is maintained and dissenters are not penalized economically or otherwise. When individual rights are sacrificed to collective will, religion becomes weak, lifeless, and meaningless. In New Jersey a bulwark against communistic coercion was removed, not raised; and the rights of American citizens to work six days and rest on the seventh, as God commanded, were compromised. And this in the name of freedom!

Not all arguments for the law were religious. Held up to the voters as compelling reasons for voting for the Sunday-closing law were: the threat of higher taxes, higher rent, closing of downtown stores, juvenile delinquency, broken homes, destruction of the economy. (One shudders to contemplate the economic and moral ruin facing inhabitants of the nine New Jersey counties that either voted down the law or did not secure enough signatures to place it on the ballot!)

In New Jersey as in other areas the Sunday-law propaganda was successful in confusing the voters and obscuring the real issues involved, which were: 1. State support for a religious day; 2. State support and protection for downtown merchants. Thus was New Jersey divided.

★★★



The First Amendment "was intended to allow every one under the jurisdiction of the United States to entertain such notions respecting his relations to his Maker and the duties they impose as may be approved by his judgment and conscience, and to exhibit his sentiments in such form of worship as he may think proper, not injurious to the equal rights of others, and to prohibit legislation for the support of any religious tenets, or the modes of worship of any sect. The oppressive measures adopted, and the cruelties and punishments inflicted, by the government of Europe for many ages, to compel parties to conform, in their religious beliefs and modes of worship, to the views of the most numerous sect, and the folly of attempting in that way to control the mental operations of persons, and enforce an outward conformity to a prescribed standard, led to the adoption of [this] amendment."—*Davis v. Beason*, 133 U.S. 333,342 (1890)

"The constitutional inhibition of legislation on the subject of religion has a double aspect. On the one hand, it forestalls compulsion by law of the acceptance of any creed or the practice of any form of worship. Freedom of conscience and freedom to adhere to such religious organization or form of worship as the individual may choose cannot be restricted by law. On the other hand, it safeguards the free exercise of the chosen form of religion. Thus the Amendment embraces two concepts,—freedom to believe and freedom to act. The first is absolute, but in the nature of things, the second cannot be."—*Cantwell v. Connecticut*, 310 U.S. 296, 303, 304 (1940)

"Government may not finance religious groups nor undertake religious instruction nor blend secular and sectarian education nor use secular institutions to force one or some religion on any person. But we find no

constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence. The government must be neutral when it comes to competition between sects. It may not thrust any sect on any person. It may not make a religious observance compulsory. It may not coerce anyone to attend church, to observe a religious holiday, or to take religious instruction."—*Zorach v. Clauson*, 343 U.S. 306 (1952)

"The 'establishment of religion' clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or nonattendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups or *vice versa*. In the words of Jefferson, the clause against establishment of religion by law was intended to erect a 'wall of separation between Church and State.' "—*Everson v. Board of Education*, 330 U.S. 59 (1947)

"Separation is a requirement to abstain from fusing functions of Government and of religious sects, not merely to treat them all equally."—*McCullum v. Board of Education*, 330 U.S. 203 (1948) ★★★



Fundamental Principles

*Based on the United Nations Subcommission on Human Rights Draft
Report on Religious Discrimination Prepared by Special Rapporteur*

ARCOT KRISHNASWAMI

Part V

ONE PROBLEM tackled by the United Nations Subcommission on Prevention of Discrimination and Protecting Minorities was the right of children to be educated in the religion of their parents. Conclusion: "No person or distinct group of persons should be compelled to receive religious or antireligious instruction inconsistent with his or their convictions, and respect should be paid to the freedom of parents, and when applicable, legal guardians, to ensure the religious education of their children in conformity with their own convictions."¹

A further report maintained the right of parents or legal guardians to enter their children in private schools conforming to minimum educational standards laid down or approved by the state and to ensure the religious and moral education of their children in harmony with their own convictions.²

Concerning the right to manifest and propagate one's religious faith, the report concluded:

"First and foremost: freedom of thought, conscience and religion should be assured as wide an amplitude as possible."

Any permissible limitations granted in the Universal Declaration of Human Rights are determined by Article 30, which "implicitly prohibits any destruction of these rights."

"It is the duty of public authorities to direct their policies and conduct towards the elimination of discriminatory practices, even though such elimination may in certain circumstances be gradual."³

There are religious issues that are difficult to disentangle from the general question of the relationship of the state to religion. Among limitations not in accordance with the principles of religious freedom is "the unreasonable withholding of licenses for the opening of places of worship or for the assembling of a group of worshippers."⁴

Permission, although not refused altogether, is sometimes granted on terms which cannot be acceptable to the worshipers and which "may even be calculated to destroy the right to freedom of worship in common."⁵ Such restrictions as making "the services of worship not easily available to the public" and refusing to permit "the display of emblems of the religion or belief outside the place of worship" are incompatible with the principles of freedom.

It is the duty of public officers to ensure freedom of worship and freedom of the exercise of religion to all religions and beliefs. Although freedom may at times be regulated in the interest of welfare, public order, and morality, yet a dominant religion or a state religion should not give such definitions of morality that would destroy the principle of freedom by limiting or denying freedom of worship to a dissident group.

As stated in the report, "The further duty of public authorities is to assure equal protection to all religions and beliefs against interference by rival groups or individuals. Failure to act may lead to a decline in the totality of freedom for society as a whole, as well as to unequal treatment of different religions or beliefs."⁶

Proposals for Action

From its inception the United Nations has taken a positive interest in the promotion of human rights, and in particular in assuring to everyone the freedom to profess and practice the tenets of his religion or belief. This principle has been reaffirmed many times by the General Assembly, and the nations of the world have been reminded "that it is in the higher interests of humanity to put an immediate end to religious persecution and discrimination."⁷

Several conventions prepared by the United Nations have a bearing on the freedom of religion. The Convention on the Prevention and Punishment of the

and Proposals *to* Action

Crime Genocide, which was adopted in 1948 by the General Assembly, binds contracting states "to prevent and punish acts committed 'with intent to destroy, in whole or in part, a religious group as such.'"¹ This convention to date has been ratified or acceded to by fifty-eight states.

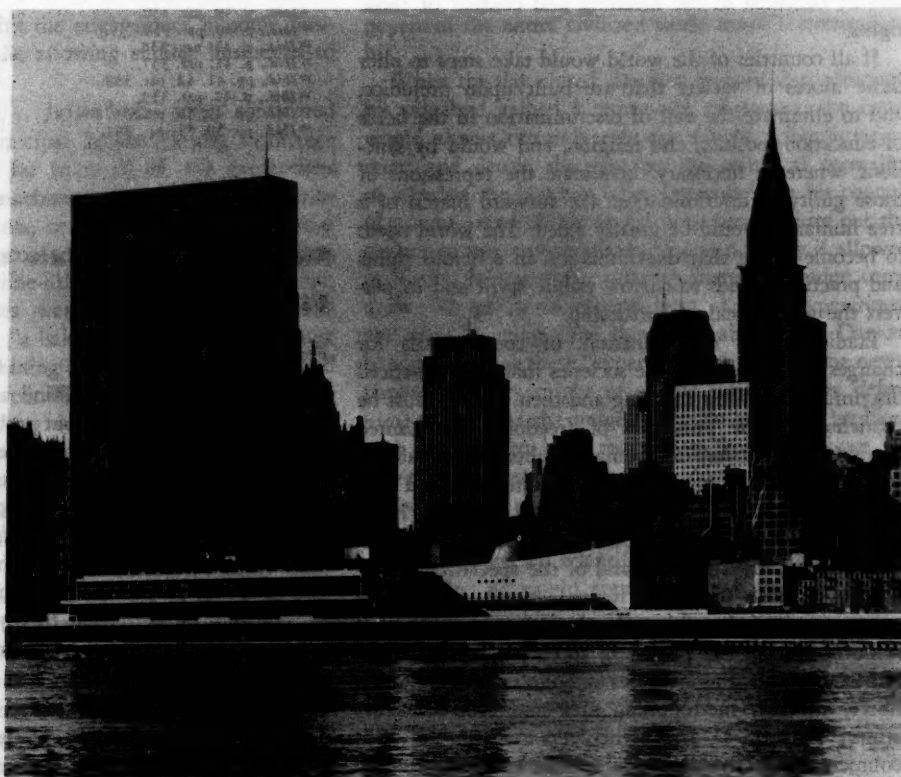
Other conferences held in 1951 and 1954 under the auspices of the United Nations prepared conventions relating to the status of refugees and the status of stateless persons. Each of these conventions obliges the states in accord with the agreement to treat refugees or stateless persons at least as favorably as they do their own nationals, particularly in respect to their being granted freedom in the practice of religious beliefs, and the freedom to decide upon the religious education to be given to their children. The convention on the status of refugees has been ratified or acceded to by twenty-two states, that on stateless persons by two.

Freedom of religious worship and of religious teaching in Trust Territories is guaranteed under agreements concluded with the administering authorities of the territories by the United Nations. Abolition of discriminatory laws and practices, which are contrary to the principles of the Charter of the Universal Declaration of Human Rights, has been recommended.

The Draft Covenant on Civil and Political Rights is now before the General Assembly. It contains an article on the right to freedom of thought, conscience, and religion. Certain general rules have been formulated to guide governments for their implementation. It is interesting to note that a periodic review by an international body is contemplated. This review is to take "note of the nature and extent of discrimination in the matter of religious rights and practices still subsisting, and the "formulation of corrective measures by this body is also envisioned."²

United Nations headquarters and the midtown Manhattan skyline as seen from the East River. From this world organization come important declarations on the subject of human rights.

UNATIONS



The Draft Report analysis reveals that the principles of nondiscrimination enshrined in the Universal Declaration of Human Rights have not yet been implemented in full in all countries.

To assist governments in eradicating discriminatory practices in the field of religious rights, the Subcommittee has enunciated a set of basic rules for dealing with the concrete problems that have emerged from the study and that have been clarified, in particular, in the statement of the underlying issues. These rules are to serve "as a clarification of the general principles relating to discrimination in the matter of religious rights and practices proclaimed in the Declaration."¹⁰

Educate World Opinion

"One of the main purposes of this study is to educate world opinion. Once the rules have been examined, debated, and accepted in the International Forum, their meaning and significance will be highlighted."¹¹ It is hoped that any public authorities that may still practice discrimination will feel the impact of the force of world opinion. The Report states: "It must be realized that in many countries not only those who practice or condone discrimination, but even those who are subjected to discrimination, are often unaware that the situation is wrong and needs to be rectified. . . . It is necessary therefore that everyone, and above all the coming generation, should live in an atmosphere favorable to the full implementation of human rights and be educated in the meaning and content of those rights."¹²

If all countries of the world would take steps to alter those mores of society that are built upon prejudice, and to eliminate the evil of discrimination in the fields of education, politics, and religion, and would by sanctions, wherever necessary, invalidate the repressions of those guilty of discrimination, the forward march of a free humanity would be greatly aided. The world needs to become aware that discrimination in religious rights and practices "tends to narrow public spirit and to pervert the noble ideal of citizenship."¹³

Eradication of discrimination, of course, calls for changes in the mores of the societies that have practiced discrimination. Their thinking and their feeling must be reoriented to the principles of freedom. The United Nations Commission on Human Rights has initiated a system of periodic reporting by governments and specialized agencies. By a resolution adopted August 1, 1956, the Economic and Social Council requests "State Members of the United Nations and of the specialized agencies to transmit to the Secretary-General, every three years, a report describing developments and progress achieved during the preceding three years in the field of human rights, and measures taken to safeguard human liberty in their metropolitan area and Non-Self-Governing Territories. The rights reported on are thus enumerated in the Universal Declaration of Human

Rights, and, in addition, the right of peoples to self-determination."¹⁴ The Subcommittee hopes that the Twelve Basic Rules set forth in their present draft form may serve as a framework for the collection of detailed information.

"If one considers the present situation alone, the need for exercising continuing vigilance may not be fully grasped. Let it be stressed again that the most acute forms of discrimination in this field are seldom in evidence in our day. But if one recalls the long history of struggle to develop religious freedom, it will be realized that the march towards progress has never been straight. Indeed, has not the world witnessed, even in the recent past, a resurgence of religious intolerance and persecution on a colossal scale? Having this in mind, the framers of the Charter provided that one of the purposes of the United Nations is 'to achieve international cooperation . . . in promoting and encouraging respect for human rights and fundamental freedoms for all.' So, the championship of human freedom must be continuous, and one should never consider that the struggle is over or that the victory has been won."¹⁵

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REFERENCES

- ¹ *Supplement to Study of Discrimination in the Matter of Religious Rights and Practices*, p. 16, par. 239, No. 3.
- ² *Ibid.*, p. 16, par. 238, No. 3.
- ³ *Ibid.*, p. 19, par. 250.
- ⁴ *Ibid.*, p. 24, par. 263.
- ⁵ *Ibid.*
- ⁶ *Ibid.*, p. 24, par. 265.
- ⁷ *Ibid.*, p. 39, par. 329.
- ⁸ *Ibid.*, p. 39, par. 330.
- ⁹ *Ibid.*, p. 40, par. 334.
- ¹⁰ *Ibid.*, p. 41, par. 336.
- ¹¹ *Ibid.*, p. 41, par. 337.
- ¹² *Ibid.*, pp. 41, 42, par. 338.
- ¹³ *Ibid.*, p. 42, par. 339.
- ¹⁴ *Ibid.*, pp. 49, 50, par. 347.
- ¹⁵ *Ibid.*, pp. 50, 51, par. 351.

Sunday Laws Violate the First Amendment

From page 16

What reason can lie behind a law that permits the sale of tobacco on Sunday but prohibits the sale of foods? Why should it be permissible to sell confectionery on the Lord's day, but not meat? Is it less tiring to sell gasoline and oil than it is to sell lamb chops, that the former should be allowed and the latter forbidden? Why should the wholesale disposition of fish be lawful and the retail disposition of the same fish be unlawful? Why should a bootblack be permitted to ply his trade on Sunday before 11:00 A.M., but a barber not at all?

The test cannot be important to the community, for it can hardly be said that it is more important to attend a professional football game than to have one's hair cut. The test cannot be disturbance of the rest and re-

pose of the community, for retail selling of foods, which is prohibited, certainly does not disturb the neighborhood's rest and repose more than a baseball double-header, which is permitted. If the sale of "frozen desserts and/or frozen dessert mix" is allowed on the ground that they are perishable, why is the sale of even more perishable uncooked meat forbidden? Why should it be licit to make butter and cheese on Sunday but illicit to sell it? What justification can explain a statutory distinction between "unpaid work on pleasure boats" and equally unpaid work on pleasure land vehicles? Is there any rationality in a statute that permits the retail sale of tobacco products by newsdealers "whose stores are open for the sale of newspapers every day in the week" but not by those who keep their stores closed some day of the week in order to get the rest and repose that is the purported purpose of the statute to ensure?

A number of State courts have recognized the caprice underlying compulsory Sunday-observance laws with patterns reminiscent of crazy quilts. In *Denver v. Bach*⁷ a city ordinance that required certain types of retail stores to remain closed on Sunday and allowed others to remain open was declared arbitrary and unconstitutional. Some years later the Colorado Supreme Court invalidated a Statewide Sunday law exempting certain enumerated forms of business and declared that the statute had "the vice of discriminating where there is no basis for discrimination."⁸

In *Elliot v. State*⁹ the court held that a law cannot constitutionally prohibit the engagement in some businesses on Sunday while allowing similar businesses to operate on that day.

In *Mount Vernon v. Julian*¹⁰ the court considered the validity of a municipal Sunday-closing ordinance containing some, but far from all of, the exemptions contained in the Massachusetts law. Under that ordinance hotels, restaurants, or other eating places, drug-stores, tobacco stores, confectionery stores, newsdealers, ice dealers, and gasoline-filling stations were exempt, while other businesses were not. "Under this ordinance," said the court, "a bakery which sells bread must be closed, but a shoeshining shop which sells cigars and newspapers is unaffected. These distinctions appear to us to be entirely arbitrary without relation to the public health, safety, morals, or welfare." Such laws are violative of both the Federal and State constitutions.

*Gronlund v. Salt Lake City*¹¹ involved a local ordinance of Salt Lake City that listed certain commodities that were excepted from the Sunday-closing ordinance. The court said: "Even bearing in mind the rule that the classification upon which a Sunday closing law is based is within the discretion of the legislative branch and hence will be upheld unless clearly arbitrary, it is difficult to conceive of a fair reason for some of the items excepted. . . . The classification being on a commodity basis, it is arbitrary to permit the sale of a can of beer

on Sunday and prohibit the sale of a can of orange juice or . . . coffee."¹²

We respectfully submit that no matter how liberal the term *equality* is construed, no matter how broad the legislature's discretion may be, Sunday laws such as the Massachusetts Sunday law are so lacking in any appearance of rationality in respect to the distinction between activities permitted on Sunday and those prohibited, and with respect to persons permitted to engage in business on Sunday and those forbidden to do so, that it must be adjudicated completely arbitrary. Its enforcement, therefore, constitutes *both a deprivation of liberty and property without due process of law and a denial of the equal protection of the laws.* ★★★

REFERENCES

- ¹ *Cantwell v. Connecticut*, *supra*; *Marsh v. Alabama*, *supra*; *Kedroff v. St. Nicholas Cathedral*, *supra*.
- ² *Murdock v. Pennsylvania*, 319 U.S. 105; *Follett v. Town of McCormick*, 321 U.S. 573.
- ³ *McPherson v. Blacker*, 146 U.S. 1, 39.
- ⁴ *Skinner v. Oklahoma*, 316 U.S. 535.
- ⁵ *Binney v. Long*, 299 U.S. 280; *Bay-side Fish Flour Co. v. Gentry*, 297 U.S. 422.
- ⁶ *Meyer v. Nebraska*, 262 U.S. 390; *Pierce v. Society of Sisters*, 268 U.S. 510.
- ⁷ 26 Colo. 530.
- ⁸ *Allen v. Colorado*, 101 Colo. 498.
- ⁹ 29 Ariz. 389.
- ¹⁰ 369 Ill. 447.
- ¹¹ 194 P. 2d 464 (Utah).
- ¹² *Ibid.*, p. 468.

The Scopes Trial-1925

From page 14

papers of the entire civilized world made a tremendous hit.

When the day closed, Darrow realized that although his side had gained a temporary advantage, the court would almost certainly rule out all the scientific argument and decide the case on the technical formality of whether the law had been violated. So in his council of war he asked all his expert witnesses to write out the testimony they were prepared to give next day if allowed to testify. In the early morning hours the judge came upon this group of experts busy at their typewriters, and after learning what they were about, told Darrow he must not give these "experts'" statements to the newspapers, for they might reach the jury. Darrow defied him, saying that the judge might do anything he liked with the jury to keep them from knowing about his expert witnesses, but the statements would go to the press.

As expected, when court resumed next day, the judge did rule against all scientific testimony. Amid Darrow's protest that he would appeal the case, the hearing adjourned till Monday.

On Monday, Arthur Garfield Hays, representing the Civil Liberties Union and serving as an assistant to Darrow, got the written statements put into the record and then announced that his side wished to call Bryan to the stand as a witness on the side of the Bible. This

was a sensational move; and if Bryan had been really wise, he never would have allowed himself to undergo the grueling cross-examination of such a man as Darrow. And he would have been entirely within his rights to have refused. But no such idea entered the head of William Jennings Bryan. He had such unbounded confidence in himself and in his side of the case that he permitted this clever infidel to hold up to the ridicule of the world slanted and often grotesque misstatements of the various details of the first chapters of the Bible. At last Darrow ended by getting Bryan to admit that he did not think the seven days of Creation were to be taken literally, but might be understood as meaning the long geological "ages." Malone finished off by showing that the case was supposed to be a trial by jury, yet the men of the jury had been permitted to remain in the courtroom only about fifteen minutes since the trial began. On his account, as a good Catholic, he protested against Darrow's agnosticism being charged against the side of the defense.

On the following Tuesday, Judge Raulston ordered all Bryan's testimony stricken from the official record, but, unfortunately, it had already been emblazoned on the pages of newspapers throughout the world. Then the court declared that the only question remaining was this: What did Scopes teach? Darrow thereupon remarked that anything further would be a waste of time, and that the judge should recall the jury and then give an instructed verdict of guilty.

Accordingly this was done, and Scopes was fined \$100. On appeal to the Supreme Court of Tennessee the verdict was sustained, but the fine was thrown out on a technicality. The Supreme Court advised that the prosecution ought to drop any further proceedings. It declared, "We see nothing to be gained by prolonging the life of this bizarre case."

The adjective *bizarre* was well chosen. Seldom in all history has a more confused issue ever been tried in a court of law. And probably never was a public trial made such an occasion for hilarity and scoffing by skeptics and infidels throughout the United States and the entire world.

And the over-all results since have been similarly extraordinary. People who learn their "science" as they do their "religion" by intellectual osmosis through exposure to TV, radio, and the daily paper, now take it for granted that some form of evolution must be true, and that the Bible must be understood or interpreted so as to agree with this scientific "fact." Two atomic bombs on Japanese cities, Sputniks, other space satellites, have lifted everything called "science" into a sacred place of authority that must not be doubted or questioned. And what chance does an antiquated book like the Bible have when confronted with this modern god of science? This is the unfortunate situation today.

No one can deny the superlative position of so-called

science in the esteem of the modern Occidental world and the correspondingly low rank of the first chapters of Genesis. Many causes have contributed to bring about this situation. But among them we must not forget the important part played by the Scopes trial of more than a quarter century ago. ★★★

Letters

From page 9

In a recent letter to the Right Reverend Thomas A. Donellan, J.C.D., in New York, *LIBERTY* asked:

"1. Is Father Duffy a Roman Catholic priest as of the date of this letter? [Nov. 30, 1959.]

"2. To what diocese is Father Duffy attached?

"3. If he has been excommunicated, please give the date of his excommunication.

"4. If other disciplinary action, short of depriving him of his status as a Roman Catholic priest, has been taken, please state what that action is and when it was taken."

Father Donellan referred the questions to the Bishop of Kilmore, to whose diocese Father Duffy was attached. His reply follows:

BISHOP'S HOUSE
CULLIS
CAVAN

DEAR SIR:

F. Clarence Duffy is a priest—attached to this Diocese of Kilmore. He is an American citizen by birth.

I cannot record his full history. He was working first as a priest in England but became a layman and, as his writings would indicate, a Rationalist. Reconciled to the Church, he subsequently worked as a priest in America and Kilmore. . . .

Owing to his conduct and record he has been refused a mission in this Diocese, both by my predecessor and myself, all faculties which he previously held being withdrawn. As he was held to be . . . irresponsible, no censure was inflicted on him.

He went to America about 1940 and has lived there since. I have had correspondence with him but he refuses to obey any orders I gave, and though he seems to have been in good standing at times with American Bishops, it is evident that he refused obedience to them also.

His writings in as far as I know them, and I have seen a good deal of them, are opposed to Catholic teaching, and he can make no claim to represent the Catholic Church. . . .

Yours sincerely,

AUSTIN ONMI
Bishop of Kilmore

LIKES MODERNIZATION

DEAR SIR:

When I opened the last issue of *LIBERTY* I was overwhelmed by the wonderful changes that have taken place. Congratulations on a new format and style.

I feel that the cause of religious liberty has been strengthened by the modernization.—M. J., *Lansing, Michigan*.

THE CROSS AND THE DAGGER

SOME YEARS AGO a strange discovery was made in the little town of Lombardy, Italy. In an old antique shop a small wooden crucifix was found in which was concealed a dagger.

Inspired by the account of the discovery of this strange and paradoxical combination, as recorded by John Eddington Symonds in his *Renaissance in Italy*, Culbert G. Rutenber wrote *The Dagger and the Cross* to illustrate how the church may go astray in assuming that the coercion of the dagger has its place in the persuasion of the cross.

The cross of Christ has no hiding place for a dagger. The dagger is a fitting emblem of religious persecution—the coercion of force; the cross, the emblem of spiritual salvation—the persuasion of love. The two are utterly incompatible. It is a stark betrayal of Christianity when a church abandons belief in voluntary conviction for the “dagger in the cross” methods of coerced conformity to legislated religion.

The church has no right to wage its spiritual wars with the temporal weapons of the state. Indeed it cannot do so, for as Saint Paul declares, “The weapons of our warfare are not carnal, but mighty through God to the pulling down of strong holds” (2 Cor. 10:4). Any attempt of the church to secure the aid of the state to legislate its dogmas or to enforce the observance of even one tenet of its creed is a betrayal of the Spirit of the living God, for “where the Spirit of the Lord is, there is liberty” (chapter 3:17).

The church must decide between the persuasion of Jesus and the compulsion of the state; between the converting power of the Holy Spirit and the coercive power of legislated religion.

Freedom under God is the heart of the world's dream. It dwells deep in the heart of every man, of every race, and every creed on the face of God's earth. Such freedom cannot be the prescription of an established church, of an authoritarian state, or of an ecclesiastical despotism. It is found in the spontaneous response of the individual to the Spirit of the living God and not in coerced conformity to legislated religion.

The absolute freedom of the soul is a world imperative—a global need. No church should impose its official teachings upon the state as the authoritative will of God to be enforced upon all men. Religious liberty means that the church's function is a spiritual one, and the state's function a civil one, and that the two should not fuse these functions to regiment the people. Liberty requires that there must be no coercion of the church by the state and no coercion of the state by the church.

When the church requires civil law to enforce its teachings, it is both inept and oppressive. The only rightful place for religion and politics to meet is in the heart of the individual, and not in a church-state fusion of authoritative power.

In an age when arbitrary power seeks to achieve total domination, religious freedom constantly faces a crisis. No age of human history has been more ready to talk about freedom and yet more willing to abandon it, if deemed necessary or expedient for economic gain or political safety. We must beware lest man's worship of collective human power completely submerges the freedom of the individual soul.

Arnold Toynbee has warned that “the increase in regulation and regimentation” indicates that the “field for freedom, which had seemed almost boundless in a nineteenth-century Western Society, was likely, in a twentieth-century Westernizing World, to be not only severely limited, but drastically curtailed.”—*An Historian's Approach to Religion*, p. 245.

A monopolistic religion seeks to capture the state rather than to convince the community. Legislated orthodoxy chokes freedom of dissent. To coerce peoples of a state into conformity to the will of the majority in religious matters is to establish an official state religion and a democratized despotism. It is no more desirable to achieve uniformity of opinion than it is to have uniformity of face and stature.

We must fight the battle for freedom all over again. The insatiable lust for political and ecclesiastical power descending like a desolating pestilence is a foul scourge upon the heart of mankind. It must be met and challenged by free men everywhere.

There is no place in the Christianity of the cross for a concealed dagger.

J. A. B.



world report

AUSTRIA

Vienna.—Sixty-one per cent of all Austrians queried in a nationwide survey by the Gallup Poll Institute of Vienna agreed that the church should take a definite stand on all social, political, and economic questions.

Only 23 per cent held that the church should "stick to religious matters and remain neutral on controversial issues." In Socialist-ruled Vienna 43 per cent of those polled favored an active role for the church in public affairs.

A greater number of women than men favored a more active role for the church—67 per cent women and 54 per cent men.

Age had no influence on the opinions given. As many young people as older supported a wider role for the church in the social and the political life of the nation.

Vienna.—Father Vojtech Zabransky, a Roman Catholic priest of Rohates, Moravia, has been sentenced to three years' imprisonment for "antistate activities," the Czechoslovak Communist newspaper, *Nase Pravda*, reported.

The paper said the priest urged local farmers not to join collective farms and claimed during a sermon that "lies are being spread in all sectors of public life."

It quoted Father Zabransky as saying at his trial that "if a third world war breaks out, the West will win and reinstate the capitalistic system in Czechoslovakia."

BELGIUM

Brussels.—Premier Gaston Eyskens in a recent interview predicted early passage of an education law which, he said, will bring to an end a century-long struggle over the issue of more state aid for church schools in this predominantly Roman Catholic country.

He said the measure sets up a local option system under which the government will either subsidize church schools when enough requests are received or open new state schools to meet all educational needs.

Dr. Eyskens said the measure was drafted following the signing of an agreement between the country's three leading parties—the Social Christian, the Socialist, and Liberal—which changed the school issue from a con-

test between the state and the church to a matter of general social progress.

The premier, who is a member of the Social Christian Party, said the chief principle embodied in the new legislation is "recognition of the right of parents to choose the type of education they want their children to receive."

He explained that under the law, Catholic schools will receive "the same subsidies from the central government as are paid to schools operated by the provincial and local authorities, so that in all types of schools teachers will be treated in the same way as regards to salary and old-age pensions."

Dr. Eyskens said that "no state subsidies will be granted for Catholic school construction, but their operating expenses will be subsidized by the government." Meanwhile, he stressed, the government will make a special effort to build enough public schools to satisfy all demands.

At the same time, the premier added, parents who send their children to public schools "may choose for them a course in either religion or nonconfessional morals."

FORMOSA

Taipei, Formosa.—Nationalist China's highest law-making body, the Legislative Yuan, ruled that it does not favor religious activities in military camps but "respects" the religious freedom of individual servicemen.

Clarification of the government's attitude came in reply to a suggestion by a Yuan member that religious programs in camp would improve morale in the armed forces, provided "they are not conducted or sponsored by sects opposed to traditional Chinese culture or to Free China's anti-Communist policy."

A spokesman for the government body explained that the religious life of individual servicemen would not be interfered with as long as military discipline and duties are not affected. Military personnel, the ruling pointed out, may participate in religious activities outside camp on their own free time.

It was feared, the Yuan said, that the "exclusive nature" of certain religious sects would impair the unity of the armed forces and that the approval

granted to one group would serve as a precedent for similar requests by other bodies, resulting in "unnecessary trouble for the military administration."

FRANCE

Paris.—The French Cabinet, prodded by President Charles de Gaulle, agreed to the principle of state aid to church schools in France. The schools are mostly Roman Catholic.

Still undecided: How soon the church schools, in return for government aid, are to come under state control so far as their scholastic programs and teachers' qualifications are concerned.

Parliamentary groups have expressed dissatisfaction with the compromise solution to a problem that has split the country since the Revolution.

The Popular Republican Movement (Catholic Socialists) does not think that the new law gives enough aid to the Catholic schools. Its members also think that too much control over the schools is demanded.

The Independents, Socialists, and Communists criticize it on the grounds that it makes too many concessions to the clericals. The opinion of parents and teachers' associations is not yet known.

GERMANY

Nuremberg.—The Nuremberg Supreme Court ruled that conversion to another faith of a marriage partner without approval of the spouse does not contravene German marriage law and thus is not valid grounds for divorce.

However, the court agreed to have the case brought before a higher court of appeal. Its decision was handed down in the case of a husband who had sued for divorce after his wife adopted another creed. The court held that religious conversion was a matter of personal belief and conscience and a democratic right guaranteed in the West German Constitution.

The Nuremberg court finding was in sharp contrast with a recent verdict of the district court in nearby Ansbach, which held that conversion of a marriage partner to another religion against the will of the spouse is a "grave misdemeanor" under the marriage law.

Involved in the case was a woman who brought action for divorce when her marriage broke up after she and the couple's two daughters had abandoned the Evangelical Church for the New Apostolic Church.

The Ansbach tribunal said the woman must accept part of the guilt for the divorce and could not claim protection under the article in the constitution guaranteeing freedom of religion.

This article, the court said, regulated only the relationship between the individual and the state and did not affect the duties imposed upon both partners through a marriage. It said that in changing her faith, the wife disregarded her husband's will and acted against her matrimonial agreement. The Supreme Court ruling is regarded in German religious circles as an important clarification of individual religious rights.

GREECE

The Reverend Spiros Zodhiates of New York, general secretary of the American Mission to Greeks, Inc., said he had retained a lawyer to appeal a 35-day prison sentence imposed by the (lower) criminal court of Chalkis in Greece for using the title "Reverend" before his name in an article for a Greek gospel publication.

Suit was brought against Mr. Zodhiates, an ordained Baptist minister, by Archimandrite Christopher Kalyvas. The Greek prelate charged that only "married priests of the Greek Orthodox Church" had a right to use the title and that articles appearing in the *National Voice* were in themselves "proselytizing," which is outlawed in the country.

The Chalkis court, however, rejected the charge of proselytizing, but allowed the suit on the basis of the other count.

"As a Christian minister," Mr. Zodhiates said, "I have no choice but to appeal this decision" to the Greek Supreme Court.

Mr. Zodhiates, who frequently makes trips to Greece, said he used the title "Reverend" in the *National Voice* and in other Greek publications "as a part of a far-reaching evangelism campaign supported by the Christian people of America."

HAITI

Port-au-Prince.—Wielding clubs and wearing steel helmets, Haitian police entered the Port-au-Prince Cathedral and broke up a meeting of Roman Catholics believed to be silently protesting against the Government's expulsion of two French priests for "security reasons."

Father Etienne Grienberger, rector of St. Martial, the largest Catholic college in the country, and Father Joseph Marrec, a parish priest in the town of St. Marc, were termed "undesirable" in a decree signed by President François Duvalier and Interior Minister Jean A. Magloire.

Several persons in the cathedral were arrested and a number were injured by police. All refused to talk to reporters.

IRELAND

Dublin.—A bill before the Irish Parliament to permit longer drinking hours in public bars and also Sunday opening has been strongly opposed by the executive committee of the Father Mathew Union. Named after the famous Irish-born apostle of temperance, the organization is made up of Catholic priests pledged to total abstinence.

The committee said it welcomed provisions of the new Intoxicating Liquor Bill abolishing so-called bona fide trading, in other words, the permission given to bar owners to serve travelers after closing hours.

However, it protested against other provisions of the bill "insofar as they give opportunity and incentive for increased drinking," and "endanger the traditional observance of the Lord's Day."

"Should Sunday opening become law," the committee said, "the hours should be separated by a decent interval from the customary hours of Sunday worship."

The committee said the proposed weekday closing hours—11:00 P.M. for eight months and 11:30 P.M. for four summer months—is "altogether too late."

It said that in the event of Sunday opening, the proposed closing hour (9:00 P.M.) or any hour later than 7:00 P.M. is "unacceptable."

ITALY

Rome.—Italian Protestants opposed state-provided increases in Roman Catholic clergy salaries and social security benefits called for in two bills before Parliament.

In a strongly worded statement the Federal Council of Italian Evangelical Churches declared that although most of the country's population is Catholic, "this does not constitute a sufficient reason for throwing on the Italian Treasury the financial and organizational responsibilities of providing for the Catholic clergy."

"It must be to the Church members themselves who desire the maintenance and growth of any cult to support its ministers," the council said. "The proposed laws imply the duty of all citizens, both Catholics and non-Catholics, to provide for the Catholic clergy."

The statement asserted that state support for the Catholic clergy "can no longer be justified as reparation for Church property which was confiscated in 1870 since financial settlements established by the Lateran Treaty of 1929 have liquidated these problems."

It recommended that the proposed additional aid to the priests "take the form of a special confessional tax to be imposed only on those who declare themselves Roman Catholics."

The council said that it was not seeking any aid for its clergy under the bills "since the evangelical churches of Italy provide for the salaries and pensions of their pastors and for their assistance in case of sick-

ness through the voluntary contributions of their faithful."

MALAYA

Kuala Lumpur.—Every adult person has the right to "profess and propagate" his faith and to change his religious affiliation, the East Asia Christian Conference declared in a message that was adopted at its first assembly.

Where religious freedom is denied, "all other freedoms are insecure," said the message that was transmitted to the conference's 42 church and Christian counsels in 15 free Asian countries.

"We have the task," it said, "to convince all sections of our people that for the sake of true freedom, the dignity of man and the developing of true responsibility, it is necessary that every man be given full freedom to make his own religious choice, for true human freedom depends on the right of everyone to decide matters of conscience and religion."

While the Conference "rejoiced that in most parts of East Asia there is religious freedom," it recognized that "there are areas in which this freedom is severely curtailed."

PHILIPPINES

Manila.—Philippine Acting Secretary of Justice Enrique A. Fernando ruled "constitutionally objectionable" a proposed lease that would provide a site for a Roman Catholic chapel inside the Muntinglupa state penitentiary.

Secretary Fernando pointed out that the contract drawn up between Catholic Archbishop Rufino J. Santos of Manila and the director of prisons was "obviously skirting legal provisions against the use of public property for the benefit of a religious sect."

According to the justice's secretary the objectionable features in the contract were the nominal rent of \$5 a year to be paid by the church to the government and the provision of free electric and water supply to the proposed chapel and the chaplain's quarters.

He said this arrangement would mean "giving away" public property or funds without the government's receiving an equivalent material value in return.

INDIA

New Delhi.—The Council of States (upper house of India's Parliament), by a vote of 16-10, rejected as "unconstitutional" an attempt by Communist leader Bhupesh Gupta to introduce a bill aimed at prohibiting the Roman Catholic Church or any of its "ecclesiasti-

cal personnel" from "engaging in political activities."

A similar measure was introduced in the House of the People a week earlier. Both proposals were regarded in political circles as obviously having been prompted by the role of Catholic leaders in the recent popular agitation against the ousted Communist regime in Kerala state.

The Gupta bill was challenged on grounds that it might violate the freedom of belief and practice of religion.

Indian Communists declared they would continue to fight for restriction of the church in political affairs.

PORTUGAL

Lisbon.—Manuel Goncalves Cardinal Cerejeira, Patriarch of Lisbon, has admonished his clergy to "keep out of politics."

The 71-year-old cardinal received the priests after celebrating a Mass commemorating the 30th anniversary of his elevation to the patriarchal See.

Declaring that "today the politico-social temptation is terrible," he said that many priests have seemed to forget that their mission is to "establish the kingdom of Christ and not that of the world."

SPAIN

Madrid.—Spanish Protestants, who constitute a tiny minority in a population of 30 million that is 95 per cent Roman Catholic, have organized an Evangelical Defense Commission to combat by legal means what they term "oppressive" acts by government authorities.

Formation of the defense commission—a strictly private group, since under Spanish law no public organization of this kind can expect official sanction—resulted from alleged discriminatory practices to which Protestants have been subjected.

Among oppressive measures against Protestants are rejection of marriage applications, denial of burial permits, housing and employment boycotts, suppression of non-Catholic religious publications, closing of churches, and restrictions on theological schools.

The Spanish Bill of Rights (1945) provides "official protection" to the profession and practice of the State Roman Catholic religion. "No other ceremonies or external activities will be permitted than those of the Catholic religion," it declares.

However, it also states that "no one shall be molested on account of his religious beliefs or in the private exercise of his worship."

As interpreted by Spanish officialdom, these provisions forbid public display of signs identifying Protestant chapels, any announcement in the press or elsewhere of their services, and any attempt by non-Catholics to win converts.

MARCH-APRIL



Churches in Zagorsk, sacred city of Russia.

RUSSIA

Moscow.—Father Nikolai Gilis, a Roman Catholic priest in Lithuania, was sentenced to nine months' imprisonment for giving "illegal" religious instructions, the newspaper *Soviet Lithuania* reported.

The priest, who also was fined 15 per cent of his income, was accused of holding religious classes for children.

SWITZERLAND

Geneva.—Officials of the World Council of Churches and nine other international Protestant bodies have expressed hope that the Ecumenical Council summoned by Pope John XXIII would "speak clearly on the question of religious liberty." They said this was "highly important for the sake of improving inter-church relations."

Drafted at a two-day meeting held in Geneva at the invitation of Dr. Carl E. Lund-Quist, executive secretary of the Lutheran World Federation, the statement urged that meanwhile "all who have occasion to express opinions of the non-Roman churches" about the forthcoming meeting of the Catholic bishops, which is to be known as the Second Vatican Council, should underline the importance of the matter of religious freedom.

Represented at the meeting, in addition to the World Council of Churches and the LWF, were the World Presbyterian Alliance, the World Methodist Council, the Church of England's Council of Inter-Church Relations, the Baptist World Alliance, the International Congregational Council, the World Convention of Churches of Christ, the Pentecostal World Conference, and the Friends (Quaker) World Committee for Consultation.

Also attending the meeting was Archimandrite Emilian Timiades, representing the Greek Orthodox Patriarch of Istanbul.

UNITED STATES

Rockville, Maryland.—A Maryland circuit judge has upheld the State's attorney general in denying a commission as notary public to a man who refused to take an oath declaring belief in the Deity.

Roy R. Torcaso, of Bethesda, Maryland, petitioned the Montgomery County Circuit Court to compel the county clerk to certify him a notary public. The clerk refused after obtaining an opinion from the attorney general.

The American Jewish Congress and the American Civil Liberties Union submitted friend-of-the-court briefs in the case, upholding Mr. Torcaso's right to freedom of belief.

The case arose when Mr. Torcaso refused to sign the oath required by Maryland law for notaries public, which states: "I do declare that I believe in the existence of God..."

He challenged the constitutionality of Article 37 of the Maryland State constitution which says that "no religious test ought ever to be required as a qualification for any office of profit or trust in this State, other than a declaration in the existence of God."

The American Jewish Congress said, "The case is a precedent-making one because it is believed to mark the first time the issue of belief in God as a qualification for public office has ever come up before a State or Federal court."

It added that the oath "violates the Constitutional requirement of separation of church and state, since it places the authority of the state in support of religion."

Circuit Judge Ralph G. Shure, however, ruled that the framers of the Maryland Constitution in the eighteenth century had seen fit to impose "some religious restriction" on the right to hold an office of trust.

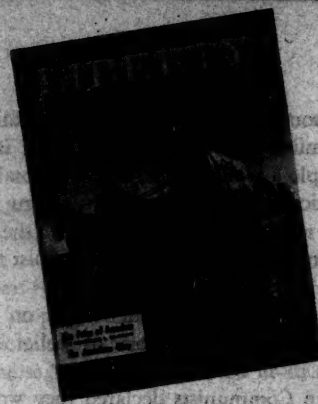
Since a notary is empowered to administer oaths in which it is customary to invoke the Deity, he held the notary oath was not an unreasonable requirement to make for this office.

Judge Shure ruled that it was not contrary to the Federal Constitution, because it did not interfere with Mr. Torcaso's private employment "or his citizenship." The State, he held, has the right to set its own requirements for holding an office of trust.

Philadelphia, Pennsylvania.—A suit brought by five Orthodox Jewish merchants against Pennsylvania's Sunday blue laws was dismissed by a special Federal court.

The merchants contended that enforcement of the laws would violate their religious liberty since they observe Saturday as their Sabbath. It also would require them to remain closed two days a week, they said.

In announcing its decision, the court dissolved an injunction that had prevented enforcement of the Sunday ban. The court said it was "in full accord with the reasoning and conclusion" of another Federal tribunal that earlier upheld the constitutionality of the laws.



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F R E E D O M

For liberty of soul, I see the damp,
dark cell, the rack, the stake;
I hear the clank of murderous chain;
The groan of bruised bodies blend in cry of pain,
The moan of anguish reaches to Thy throne.
What evil hath man wrought, what endless woe!
But though the body bound and chained be,
God kept their spirit free.

We reap today the fruit we have not sown;
We thoughtlessly inhale the breath of life,
Free flowing all about us without stint;
We pay scant heed to thickening sky.
The ground-swell rumble of the coming storm
Attracts our sidelong glance a moment,
And then, absorbed with momentary cares,
We bind our soul about with weeds and tares
Until we are enmeshed, enchained,
By all the trivia of our lives.
God set our spirit free.

The light of freedom flickers failingly,
More halting grows the step of liberty,
Her path uncertain gropes.
Strange fires upon our altars burn,
Our verities become uncertainties.
In such an hour, God grant us will and power
To light anew the flame of liberty.
May the eternal fire from freedom's hearth
Still keep our spirit free.

—G. E. SHANKEL



J. BYRON
LOGAN



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"We are aging, but we are not maturing. We have vastly more information, but scarcely more wisdom. We have more and faster communication, but it seems that we have less understanding. We have more talk of freedom, but less independence."

—Mrs. Robert L. Vann, president and treasurer of the Pittsburgh Courier Publishing Company, in a speech at Tennessee Agricultural and Industrial State College.



HARRY KUROK, ARTIST

